

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	PERMIT NO. M-3166
FRED STIEBEN, OTIS, KANSAS. )	CASE NO. 91504-INS.
-----)	

-----  
December 30, 1959  
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S T A T E M E N T

By the Commission:

On November 3, 1959, the Commission, in Case No. 91504-Ins., entered its Order, revoking Permit No. M-3166 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made with the Commission by said Respondent, without lapse.

F I N D I N G S

THE COMMISSION FINDS:

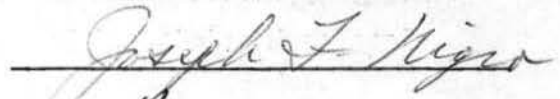

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-3166 be, and the same hereby is, reinstated, as of November 3, 1959, revocation order entered by the Commission on said date in Case No. 91504-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 30th day of December, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
DON L. ALSBURY, GLENWOOD SPRINGS,  
COLORADO.

PERMIT NO. M-9142  
CASE NO. 91862-INS.

December 30, 1959

S T A T E M E N T

By the Commission:

On December 8, 1959, in Case No. 91862-Ins., the Commission entered its Order, revoking Permit No. M-9142 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made with the Commission by said Respondent, without lapse.

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-9142 be, and the same hereby is, reinstated, as of December 8, 1959, revocation order entered by the Commission on said date in Case No. 91862-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Henry E. Ziehl*  
Commissioners.

COMMISSIONER Ralph C. Horton  
not participating.

Dated at Denver, Colorado,  
this 30th day of December, 1959.  
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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	PERMIT NO. M-5437
CLARENCE J. GISI, OTIS, COLORADO. )	CASE NO. 92303-INS.
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December 30, 1959  
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S T A T E M E N T

By the Commission:

On December 8, 1959, in Case No. 92303, the Commission entered its Order, revoking Permit No. M-5437 for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made with the Commission by said Respondent,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-5437 be, and the same hereby is, reinstated, as of December 8, 1959, revocation order entered by the Commission on said date in Case No. 92303-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Kyrin*  
*Henry E. Zalusky*  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 30th day of December, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
CHARLES LOUIS SNELLING, 1310 )	PERMIT NO. M-4988
FOX STREET, DENVER, COLORADO. )	CASE NO. 92177-INS.
----- )	

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December 30, 1959  
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S T A T E M E N T

By the Commission:

On December 8, 1959, in Case No. 92177-Ins., the Commission entered its Order, revoking Permit No. M-4988 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made with the Commission by said Respondent, without lapse.

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-4988 be, and the same hereby is, reinstated, as of December 8, 1959, revocation order entered by the Commission on said date in Case No. 92177-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Ryan*  
*Ralph C. Hinton*  
*Henry E. Zarleng*  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of December, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF	)	
H. S. BENBOW, DOING BUSINESS	)	
AS "BENBOW PLUMBING AND HEATING,"	)	PERMIT NO. M-11404
335 SOUTH WAHSATCH, COLORADO	)	CASE NO. 91792-INS.
SPRINGS, COLORADO.	)	
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December 30, 1959  
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S T A T E M E N T

By the Commission:

On December 8, 1959, in Case No. 91792-Ins., the Commission entered its Order, revoking Permit No. M-11404 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made jwith the Commission by said Respondent, without lapse.

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-11404 be, and the same hereby is, reinstated, as of December 8, 1959, revocation order entered by the Commission on said date in Case No. 91792-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Ralph C. Norton*  
*Alvin E. Zuckerman*  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of December, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
COLORADO CENTRAL POWER COMPANY FOR )  
AN ORDER GRANTING TO IT A CERTIFI- )  
CATE OF PUBLIC CONVENIENCE AND NE- )  
CESSITY TO EXERCISE FRANCHISE RIGHTS )  
IN THE TOWN OF BOW MAR, COUNTY OF )  
ARAPAHOE, STATE OF COLORADO. )  
- - - - - )

APPLICATION NO. 17405-Extension

- - - - -  
December 31, 1959  
- - - - -

Appearances: Allen, Lynch & Rouse, Esqs.,  
Denver, Colorado, by  
Philip A. Rouse, Esq., for  
Applicant;  
David V. Dunklee, Esq.,  
Denver, Colorado, for  
the Town of Bow Mar;  
J. M. McNulty, Denver, Colo-  
rado, for the Staff of  
the Commission.

S T A T E M E N T

By the Commission:

The above-entitled application was filed with the Com-  
mission on September 24, 1959, seeking a certificate of public con-  
venience and necessity to exercise franchise rights in the Town of  
Bow Mar, Arapahoe County, Colorado, for the transmission, distribution  
and sale of electric energy to said town and the inhabitants thereof.

The matter was set for hearing after due notice to all  
interested parties, on December 8, 1959, at ten o'clock A. M., in  
the Hearing Room of the Commission, 330 State Office Building, Denver,  
Colorado. At the above time and place, Attorney for Applicant requested  
this matter be continued to two o'clock P. M. of the same day. At two  
o'clock P. M. this matter was duly called for hearing, and heard, by  
the Commission, and at the conclusion thereof the matter was taken  
under advisement.

Applicant is a corporation, organized and existing under and by virtue of the State of Delaware, qualified in Colorado as a foreign corporation, and is a public utility company subject to the jurisdiction of this Commission. The company is engaged primarily in the purchase, transmission, and sale of electrical energy at various points within the State of Colorado, and it also operates a water system in Evergreen and vicinity, in Jefferson County. Applicant's Certificate of Incorporation, together with all amendments thereof, has heretofore been filed with this Commission.

Testimony at the hearing revealed that on August 3, 1959, the Board of Trustees of the Town of Bow Mar duly passed and adopted Ordinance No. 29, entitled as follows:

ORDINANCE NO. 29

AN ORDINANCE BY THE TOWN OF BOW MAR, STATE OF COLORADO, GRANTING TO COLORADO CENTRAL POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE AUTHORIZING THE CONSTRUCTION, ACQUISITION, MAINTENANCE AND OPERATION INTO AND WITHIN SAID TOWN, AND ALL ADDITIONS THERETO, OF A SYSTEM FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRIC ENERGY, AND THE SALE THEREOF TO SAID TOWN AND TO CONSUMERS THEREIN, FOR LIGHT, HEAT, POWER AND OTHER PURPOSES BY MEANS OF CONDUITS, CABLES, POLES, WIRES, AND ANY OTHER DEVICES OR MEANS USED FOR, OR IN THE DISTRIBUTION, TRANSMISSION AND SALE OF ELECTRIC ENERGY CONSTRUCTED IN, ALONG, ACROSS, OVER, UNDER AND THROUGH ALL STREETS, ALLEYS AND PUBLIC WAYS IN SAID TOWN, AND IN ALL ADDITIONS THERETO, AND FIXING THE TERMS AND CONDITIONS THEREOF.

The term of the franchise is twenty-five years. A certified copy of a franchise contained in the Ordinance, together with a certificate as to the recording, proof of publication and the formal acceptance by the applicant of said franchise, were introduced at the hearing and marked as Exhibits Nos. 1, 2, 3 and 4, and, by reference, made a part hereof.

Exhibit No. 5, introduced at the hearing, is a copy of Ordinance No. 30, providing for an occupation tax to be paid by the applicant. The tax amounts to 3% annually on the gross revenues from the sale of electrical energy in the corporate limits of the Town, excluding street lighting paid by the Town to the Company, and also excluding revenues in excess of \$2500 per annum from any single consumer.

Bow Mar is a newly incorporated town having been incorporated in August, 1958. Prior to the incorporation, applicant has been rendering electric service in the area, and since the incorporation has continued to render said service within the corporate limits of the town. No other public utility has been or is rendering service in this area or within the corporate limits of Bow Mar.

At the present time, applicant is serving 216 meters within the town limits of Bow Mar.

During the term of the franchise, applicant anticipates additional capital investment within the town in the amount of \$23,500. This amount will be used as the basis of the fee for the issuance of the certificate sought herein but will not be binding upon the Commission in any subsequent investigation where rates or valuation may be an issue.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the Commission has jurisdiction to applicant herein, Colorado Central Power Company, and of the subject matter involved in the instant application.

That the Commission is fully advised in the premises.

That the foregoing Statement should be made a part hereof by reference.

That public convenience and necessity require, and will require, the exercise by Colorado Central Power Company of the franchise rights granted in and by virtue of Ordinance No. 29 of the Town of Bow Mar, dated August 3, 1959, for the transmission, distribution and sale of electric energy to said town and the inhabitants thereof, by Colorado Central Power Company, and that the application sought herein should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require, and will require, the exercise by Colorado Central Power Company of franchise rights

granted in and by Ordinance No. 29, dated August 3, 1959, identified as Exhibit No. 1 herein and, by reference, made a part hereof, for the transmission, distribution and sale of electric energy by Colorado Central Power Company to said town, and the inhabitants thereof, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That Colorado Central Power Company shall install, operate and maintain its electric system and supply service in the area heretofore designated in accordance with its schedules of electric rates, rules and regulations now on file with this Commission, or as the same may be changed according to law and the rules and regulations of this Commission.

That Colorado Central Power Company shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts and shall continue to keep its practices as to the testing of meters, consumers' deposits, operations, records of meters and complaints in accordance with the requirements of the Commission.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Hooton  
Henry E. Zalusky  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of December, 1959.

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(Decision No. 53602)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	}	<u>APPLICATION NO. 17471</u>
UNION PACIFIC RAILROAD COMPANY TO		
DISCONTINUE AGENCY STATION AT		
KERSEY, WELD COUNTY, COLORADO.		
-----	)	

At a General Session of The  
Public Utilities Commission  
of the State of Colorado,  
held at its offices in Denver,  
Colorado, December 31, 1959.

INVESTIGATION AND SUSPENSION DOCKET NO. 432

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December 31, 1959  
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S T A T E M E N T

By the Commission:

On October 27, 1959, Union Pacific Railroad Company, by its Attorneys, filed the above application under Rule 6 of the Commission's Rules and Regulations Pertaining to Railroads Operating in the State of Colorado.

Request was made by applicant for an order authorizing discontinuance of the Agency Station at Kersey, Weld County, Colorado, effective December 31, 1959, and thereafter to handle all railroad business at the Agency Station of La Salle, located eight miles to the west. Agency service at Kersey is now provided by an agent on duty from 8:00 A. M., until 5:00 P. M., Monday through Friday, on a year-around basis.

Applicant indicates that most of the revenue at this station results from carload business which can be readily handled at another station. Additional explanatory exhibits were offered for Commission consideration and, in summary, show the following:



	<u>1956</u>	<u>1957</u>	<u>1958</u>
Net Railway Income	\$714	\$325 (Loss)	\$2,568

Other factors reported are as follows:

For the past year, no passenger tickets were sold at the station and it is not a regular stop for any passenger train. L.C.L. shipments, railway express, milk and cream, and baggage are now handled in and out of Kersey on Union Pacific Supplemental Truck Service, and there will be no change in this service as presently provided; shipments will be picked up or left at the depot building, the consignees being notified by the agent at La Salle. Mail is not handled by trains into or out of Kersey but by Government Star Route.

The intention of applicant having been properly publicized by the posting of public notice at its station in Kersey, the Commission has received numerous protests indicating that discontinuance of the agency service will cause great inconvenience to the residents of Kersey and adjacent area.

It appears then that people and local businessmen of the Kersey area are not in accord with the proposed station closing; therefore, in order to obtain a full understanding of this situation, it is necessary to suspend the effective date of the proposed agent withdrawal so that a more complete investigation may be had. The application and file in this matter will, therefore, be transferred to Investigation and Suspension Docket No. 432 on the Commission's docket.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the application of Union Pacific Railroad Company to withdraw its agency station at Kersey, Colorado, should be suspended pending a more complete investigation of the matter.

#### O R D E R

##### THE COMMISSION ORDERS:

That the effective date of the proposed station closing at Kersey, Colorado, by Union Pacific Railroad Company be, and it hereby

is, suspended for a period of one hundred and twenty (120) days from December 31, 1959, or until April 29, 1960, unless otherwise ordered.

That Application No. 17471, originally assigned to the instant proceedings, be, and it is hereby, closed, and all records and files of said application be transferred to Investigation and Suspension Docket No. 432.

That a copy of this Order be filed with Application No. 17471 and with Investigation and Suspension Docket No. 432 and copies served on Knowles & Shaw, Esqs., 560 Denver Club Building, Denver, Colorado, as Attorneys for applicant; and the following protestants herein: The Kersey Lumber Company, Kersey, Colorado; Christman Hardware, Kersey, Colorado; Farmers Union Marketing Assn., P. O. Box 126, Kersey, Colorado; Choice Angus Feeder Calves, 70 Ranch, Box 78, Route 1, Kersey, Colorado; Fred C. Huffert, Mayor of Town of Kersey, Kersey, Colorado, and Mr. James A. Park, Rt. 1, Box 82, Kersey, Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Higgins  
Ralph C. Horton  
Henry E. Zuley  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of December, 1959.

ea

original

(Decision No. 53603)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE PETITION OF )  
THE DENVER AND RIO GRANDE WESTERN )  
RAILROAD COMPANY TO WITHDRAW ITS )  
AGENCY AT YAMPA, COLORADO, FROM )  
NOVEMBER 1ST TO JULY 1ST OF EACH )  
YEAR. )  
- - - - - )

APPLICATION NO. 17534

At a General Session of The  
Public Utilities Commission  
of the State of Colorado,  
held at its offices in Denver,  
Colorado, December 31, 1959.

INVESTIGATION AND SUSPENSION DOCKET NO. 433

- - - - -  
December 31, 1959  
- - - - -

S T A T E M E N T

By the Commission:

On November 30, 1959, The Denver & Rio Grande Western Railroad Company, by W. C. Horner, Superintendent of Transportation, filed the above petition under Rule No. 6 of the Commission's Rules and Regulations Pertaining to Railroads Operating in the State of Colorado.

Request was made by petitioner for an order authorizing the withdrawal of its agent from the Station at Yampa, Routt County, Colorado, effective January 1, 1960, and thereafter to only maintain an agent at Yampa during the interval from July 1st to November 1st, each year. Agency service at Yampa is now provided by an agent on duty from 8:00 A. M., until 5:00 P. M., Monday through Friday on a year-around basis.

As indicated by petitioner, the less-than-carload business is being handled in substituted truck service that provides direct pick-up and delivery service to patrons at Yampa, Colorado. It is proposed that during the closed period, the billing of carload shipments

from or to Yampa will be handled at Phippsburg, located 6.2 miles to the northwest. There is an east and west passenger train daily through Yampa, operating between Craig and Denver, Colorado. Milk and cream shipments will be handled from the Depot by the train crew and passenger tickets will be available from the conductor on the train. As a matter then of more efficient and economical management, it is proposed to close the agency station during the interval when patronage is light.

The intention of applicant having been properly publicized by the posting of public notice at its station in Yampa, the Commission has received numerous protests indicating that discontinuance of the agency service will cause great inconvenience to the residents of Yampa and adjacent area.

It appears then that people and merchants of the Yampa area are not in accord with the proposed station closing; therefore, in order to obtain a full understanding of this situation, it is necessary to suspend the effective date of the proposed closing so that a more complete investigation may be had. The application and file in this matter will, therefore, be transferred to Investigation and Suspension Docket No. 433 on the Commission's docket.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the application of The Denver & Rio Grande Western Railroad Company to withdraw its agency station at Yampa, Colorado, on a seasonal basis should be suspended pending a more complete investigation of the matter.

#### O R D E R

##### THE COMMISSION ORDERS:

That the effective date of the proposed station closing at Yampa, Colorado, by The Denver & Rio Grande Western Railroad Company, Denver, Colorado, be, and it hereby is, suspended for a period of one hundred twenty (120) days from January 1, 1960, or until April 29, 1960, unless otherwise ordered.

That Application No. 17534, originally assigned to the instant proceedings, be, and it is hereby, closed, and all records and files of said application be transferred to Investigation and Suspension Docket No. 433.

That a copy of this order be filed with Application No. 17534 and with Investigation and Suspension Docket No. 433, and copies be served on T. A. White, Esq., Rio Grande Building, Denver, Colorado, Attorney for Applicant; and the following protestants herein: Town of Yampa, F. A. Ault, Mayor, Yampa, Colorado; John A. Wright, Shipper, Steamboat Springs, Colorado; Routt County Farm Bureau, Kelly Klunker, Chairman, Yampa, Colorado; Robert H. Gleason, Esq., Steamboat Springs, Colorado for: Bear River Stockgrowers Association, Colorado Spruce Company, Routt County Board of Commissioners, Frank Stoutzel - Timber J. Earl Ray - Toponas Sawmill, and Representative Ed Harding, Craig, Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Higgins*  
*Ralph C. Hutton*  
*Henry E. Salinger*  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of December, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HICKERSON BROS. TRUCK COMPANY, INC., )  
GREAT BEND, KANSAS, FOR AUTHORITY )  
TO TRANSFER PUC NO. 1326 TO R. C. ) APPLICATION NO. 17526-Transfer  
WILLIAMS, INC., RUSSELL, KANSAS. )  
-----)

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January 5, 1960  
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Appearances: James Delaney, Esq., Denver,  
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

Heretofore, Hickerson Bros. Truck Company, Inc., Great Bend, Kansas, was granted a certificate of public convenience and necessity (PUC No. 1326 and PUC No. 1326-I), to operate as a common carrier by motor vehicle for hire, for the transportation of:

machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products, and machinery, materials, equipment and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of gathering or field lines, only, including the stringing and picking up thereof, over irregular routes, between points and places in Baca County, Colorado;

freight, between all points in the State of Colorado and the Colorado State Boundary Lines, where all highways cross same, in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

By the above-styled application, said certificate-holder seeks to transfer to R. C. Williams, Inc., of Russell, Kansas, its intrastate operating rights, only, viz., PUC No. 1326.

Said application was regularly set for hearing before the Commission, at the Court House, La Junta, Colorado, December 10, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 8, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing of said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting said hearing, he thereafter submitting a report of proceedings to the Commission.

Report of said Examiner states that at the hearing, T. L. Hickerson, President of Hickerson Bros. Truck Co., Inc., Transferor herein, appeared and testified in support of the application, stating said Transferor desires to transfer only intrastate operating rights to Transferee herein; that interstate operating rights will be retained by Hickerson Bros. Truck Co.; that the consideration for transfer of said operating rights is the sum of \$700; that there are no outstanding unpaid operating obligations against said certificate.

R. C. Williams, President of R. C. Williams, Inc., Transferee herein, also appeared at the hearing and testified in support of the instant application, stating Transferee has been in the oil business since 1927; that it has sufficient equipment with which to conduct operations under authority herein sought to be acquired; that Transferee has a net worth of \$500,000, financial statement being on file with the Commission; that Articles of Incorporation of Transferee also are on file with the Commission; that transferee has been operating under Temporary Authority issued by this Commission.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of transferee were established to the satisfaction of the Commission.

Report of the Examiner recommends that authority herein sought be granted.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part



of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings be, and the same hereby is, approved.

That Hickerson Bros. Truck Company, Inc., Great Bend, Kansas, be, and hereby is, authorized to transfer all right, title, and interest in and to PUC No. 1326 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to R. C. Williams, Inc., Russell, Kansas, subject to payment of outstanding indebtedness against said PUC No. 1326, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

That operating rights herein authorized to be transferred shall be assigned a new number, operating rights known as "PUC No. 1326-I,"



to be retained by Hickerson Bros. Truck Company, Inc.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Samuel C. Nelson  
Henry S. Paulings  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of January, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DONALD E. HARTLEY, 4055 WEST 78TH )  
AVENUE, WESTMINSTER, COLORADO, FOR )  
A CLASS "B" PERMIT TO OPERATE AS A ) APPLICATION NO. 17324-PP-Amended  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

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January 5, 1960  
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Appearances: Donald E. Hartley, West-  
minster, Colorado, pro se.

S T A T E M E N T

By the Commission:

The applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of baled hay and straw, from any point within the State of Colorado, to feed lots and dairies in Denver and Colorado Springs, Colorado, and points within a radius of fifty miles of Denver and Colorado Springs, Colorado, and to State Institutions within a radius of twenty-five miles of Denver, with back-haul of sacked grain and processed feed, to farms and ranches anywhere in the State of Colorado, all said service to be for one customer, only, viz., Dannen Mills, of Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, at 9:00 o'clock A. M., on December 29, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

Among other things, the applicant testified that he has a net worth of approximately \$10,000, has a two-ton truck suitable for rendering the proposed services, and has had a number of years experience in trucking operations.

The operating experience and financial responsibility of the applicant were established to the satisfaction of the Commission.

The Commission is not of the opinion that the proposed operation of the applicant will impair the efficient public service of any authorized motor vehicle common carrier or carriers who may be adequately serving the same territory over the same general highway routes.

No one appeared in opposition to the granting of the authority sought.

#### F I N D I N G S

The Commission finds that the applicant has sufficient experience and is financially able to render the proposed services, and that the application should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That Donald E. Hartley, 4055 West 78th Avenue, Westminster, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of baled hay and straw, from any point within the State of Colorado, to Anderson-Harrington Coal Company, in Denver, Colorado, to feed lots and dairies in Denver and Colorado Springs, Colorado, and points within a radius of fifty miles of Denver and Colorado Springs, Colorado, and to state institutions within a radius of twenty-five miles of Denver, with back-haul of sacked grain and processed feed, to farms and ranches anywhere in the State of Colorado, all said service to be for one customer, only, viz., Dannen Mills, of Denver, Colorado.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Harold C. Hobart  
Henry E. Zuckerman  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of January, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN J. WAITE, ROUTE 1, WELLINGTON, )  
COLORADO, FOR A CLASS "B" PERMIT TO ) APPLICATION NO. 17540-PP  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
- - - - - )

- - - - -  
January 5, 1960  
- - - - -

Appearances: John J. Waite, Wellington,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of telephone poles, logs, forest and sawmill products, for Broderick Wood Products Company, only, from forests and sawmills in the State of Colorado, to the Broderick Wood Products Company, in Denver, Colorado, and finished products for said company, only, to its customers at all points within the State of Colorado, in both intrastate and interstate commerce.

Said application was regularly set for hearing before the Commission, at the Court House, Fort Collins, Colorado, December 15, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 3, 1959, the Commission, as provided by law, designated Louis J. Carter, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting said hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of the Examiner states that at the hearing, applicant herein appeared and testified in support of his application, stating

that he has received many requests for his proposed services; that he has a net worth of \$10,000; that he is the owner of a 1947 International three-ton truck and trailer; that he purchased equipment from Kelly Fiorentini, who operated under Permit No. B-4225; that he made arrangements with Broderick Wood Products Company to do the work heretofore performed by said Kelly Fiorentini; that authority herein sought is the same as that owned by Kelly Fiorentini under Permit No. B-4225.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

It does not appear that applicant's proposed operations will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above Findings be, and the same hereby is, approved.

That John J. Waite, Wellington, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of telephone poles, logs, and forest products, from sawmills and forests in the State of Colorado, to Broderick Wood Products Company, in Denver, Colorado, and finished

products of said Broderick Wood Products Company, to its customers in the State of Colorado.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Raymond C. Hinton  
Harvey Zelenka  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of January, 1960.

ea

original

(Decision No. 53607)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
J. B. CROSS, STEAMBOAT SPRINGS, ) PUC No. 1717  
COLORADO. )  
-----

-----  
January 6, 1960  
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Appearances: Robert H. Gleason, Esq.,  
Steamboat Springs, Colo-  
rado, for J. B. Cross.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Robert H. Gleason, Esq., for and on behalf of J. B. Cross, owner and operator of PUC No. 1717, requesting that said J. B. Cross be authorized to suspend operations under said PUC No. 1717 for a period of six months from and after December 14, 1959.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That J. B. Cross, Steamboat Springs, Colorado, be, and he here-  
by is, authorized to suspend his operations under PUC No. 1717, nunc pro  
tunc, from December 14, 1959, to and including June 14, 1960.

That unless said certificate-holder shall, prior to expiration  
of said suspension period, reinstate said certificate by filing insurance  
and otherwise complying with all rules and regulations of the Commission  
applicable to common carrier certificates, said certificate, without  
further action by the Commission, shall stand revoked, without right to



reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Ralph C. Johnson*  
*Alvin E. Hurling*  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of January, 1960.

mls

original

(Decision No. 53608)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CHESTER D. FRYE, ROUTE 1, BOX 569, )  
FORT COLLINS, COLORADO, FOR A CLASS )  
"B" PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 17539-PP

-----  
January 6, 1960  
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Appearances: Chester D. Frye, Fort  
Collins, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application was regularly set for hearing before the Commission, at the Court House, Fort Collins, Colorado, December 15, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 3, 1959, the Commission, as provided by law, designated Louis J. Carter, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting said hearing, he thereafter submitting a report of proceedings to the Commission.

Report of said Examiner states that at the hearing, applicant herein appeared and testified in support of his application, stating he is the owner of a 1953 G.M.C. two and one-half-ton truck and a 1950 G.M.C. one and one-half-ton truck; that he has a net worth of \$6,000; that he has received numerous requests for his proposed services; that he will restrict equipment to be used when hauling road-surfacing materials against the use of tank vehicles.

No one appeared in opposition to the granting of authority herein sought, as limited by applicant's testimony.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

It does not appear that applicant's proposed operations, as hereinafter limited, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein, as set forth in the Order following.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above Findings be, and the same hereby is, approved.

That Chester D. Frye, Fort Collins, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials being restricted against the use of tank vehicles.


That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from  
date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Joseph F. Nigro  
Harvey C. Holman  
Henry E. Maloney  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of January, 1960.

mls

original

(Decision No. 53609)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RALPH RICHARDS, ROUTE 1, BRIGGSDALE, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 3267 TO GORDON CASS AND )  
NEIL CASS, CO-PARTNERS, ROUTE 1, )  
BOX 8, BRIGGSDALE, COLORADO. )  
----- )

APPLICATION NO. 17537-Transfer

-----  
January 6, 1960  
-----

Appearances: Gordon Cass, Briggsdale,  
Colorado, pro se;  
B. E. Whitmore, Johnstown,  
Colorado, for Colorado  
Condensed Milk Company.

S T A T E M E N T

By the Commission:

By the above-styled application, Ralph Richards, Briggsdale, Colorado, seeks authority to transfer PUC No. 3267 to Gordon Cass and Neil Cass, co-partners, Briggsdale, Colorado, said PUC No. 3267 being the right to operate as a common carrier by motor vehicle for hire, for the transportation of:

milk, from farms within a radius of twenty miles of Briggsdale, Colorado, to Johnstown, applicant not to receive nor to release for interline, any milk other than milk destined to Johnstown, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Fort Collins, Colorado, December 15, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 3, 1959, the Commission, as provided by law, designated Louis J. Carter, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, Gordon Cass, one of Transferees herein, appeared and testified in support of the instant application; stating that on December 22, 1958, this Commission approved transfer of PUC No. 3267 from Gordon Cass and Neil Cass to Ralph Richards; that said Ralph Richards failed to comply with the provisions of Sales Contract between said parties; that this application was made to convey said PUC No. 3267 back from Ralph Richards to Gordon Cass and Neil Cass, the original owners thereof; that Transferees herein are now conducting operations under said certificate; that there is no outstanding unpaid indebtedness against said operating rights; that transferees have a net worth of \$9,000.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of transferees were established to the satisfaction of the Commission.

Report of the Examiner recommends that authority herein sought be granted.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above Findings be, and the same hereby is, approved.

That Ralph Richards, Briggsdale, Colorado, be, and he hereby is, authorized to transfer all right, title, and interest in and to PUC No. 3267 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Gordon Cass and Neil Cass, co-partners, Briggsdale, Colorado.



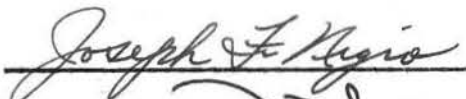
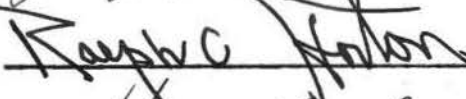

That said transfer shall become effective only if and when, but not before, said transferor and transferees, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferees until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of January, 1960.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WESTERN SLOPE GAS COMPANY, A COR- )  
PORATION ORGANIZED AND EXISTING )  
UNDER THE LAWS OF THE STATE OF ) APPLICATION NO. 17559-Securities  
COLORADO, FOR AN ORDER AUTHORIZING ) AMENDED  
THE ISSUANCE OF 50,000 SHARES OF )  
ITS COMMON STOCK. )  
- - - - - )

- - - - -  
December 31, 1959  
- - - - -

Appearances: Lee, Bryans, Kelly & Stans-  
field, Esqs., Denver, Colo-  
rado, by  
E. A. Stansfield, Esq., for  
Applicant;  
J. M. McNulty, Denver, Colorado,  
and  
E. R. Thompson, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

Pursuant to Section 115-1-4, Colorado Revised Statutes,  
1953, Western Slope Gas Company, a Colorado corporation, hereinafter  
called "Applicant," filed with this Commission, on December 11, 1959,  
its application for an Order of this Commission authorizing Applicant  
to issue 30,000 shares of its Common Stock of the par value of \$10.00  
per share.

By Decision No. 53524, dated December 11, 1959, this Com-  
mission ordered that a public hearing be held upon the aforesaid  
application on December 22, 1959, at 10:00 o'clock A. M., 330 State  
Office Building, Denver, Colorado. Interested parties, municipalities,  
and representatives of interested consumers or security holders of  
the Applicant and other persons whose participation in the matter was  
in the public interest were invited to intervene in the proceedings.  
Petitions of Intervention were to be filed with this Commission on  
or before December 17, 1959.

On December 17, 1959, Applicant filed an amendment to its aforesaid application filed on December 11, 1959, seeking authority to issue and sell 50,000 shares of its Common Stock rather than only 30,000 shares of such Stock as applied for in its original application. By Decision No. 53541 dated December 17, 1959, this Commission ordered a public hearing to be held on the aforesaid application, as amended, on December 22, 1959, at 10 o'clock A. M., at 330 State Office Building, Denver, Colorado, and gave notice of the aforesaid hearing on the application, as amended, to all parties who had received notice of the hearing set on the original application.

The hearing on the aforesaid application, as amended, was held on December 22, 1959, after due notice to all interested parties, and the matter was heard and then taken under advisement by the Commission. No petitions of intervention were filed with the Commission prior to the hearing, and no one appeared at the hearing in opposition to the authority sought by Applicant in this matter.

Witness for Applicant, Mr. E. F. Nussbaum, Assistant Treasurer, testified to the following matters summarily set forth below:

Applicant is a corporation organized and existing under the laws of the State of Colorado, and is an intrastate natural gas pipeline company engaged in the purchase, transmission and sale of natural gas. Applicant's operations are wholly within the State of Colorado, and consist principally of transporting gas for ultimate consumption in the City of Grand Junction, Colorado and areas and communities near said city from gas fields north of the City of Grand Junction, and to Rifle, Colorado and adjacent vicinity from the Piceance Creek Field, in Rio Blanco County, Colorado.

Under Applicant's Articles of Incorporation, a copy of which is on file with the Commission, the capital stock of Applicant is \$1,000,000, divided into 100,000 shares of Common Stock of the par value of \$10.00 per share. As of October 31, 1959, there had been issued and outstanding 40,000 shares of such authorized common stock, all of which was owned by Public Service Company of Colorado.

Pursuant to that certain Indenture of Mortgage and Deed of Trust dated as of May 1, 1955, between Applicant and The United States National Bank of Denver, now Denver United States National Bank, as Trustee, Applicant has heretofore issued and there were outstanding as of October 31, 1959, \$800,000 principal amount of First Mortgage Bonds, 4-1/4% Series due 1975. A condensed description of said Indenture of Mortgage and Deed of Trust and a condensed description of the Bonds authorized and issued by Applicant were introduced at the hearing in this matter as Exhibits "B" and "C" respectively.

For the twelve months ended October 31, 1959, Applicant reported gross operating revenues of \$931,204.12 and net income, that is, the amount available for dividends and surplus, of \$77,153.36, as reflected on Exhibit "H" introduced at the hearing in this matter. Said Exhibit "H" also showed that for the twelve months ended October 31, 1959, the amount of \$56,000 was appropriated for Common Stock dividends. Earnings in prior years have been satisfactory. At October 31, 1959, the earned surplus account of the Company aggregated \$146,341.33. Applicant's Balance Sheet as of October 31, 1959 was introduced at the hearing as Exhibit "I". Other than current liabilities and the First Mortgage Bonds heretofore referred to, Applicant had no other outstanding indebtedness as of October 31, 1959, except short term notes in the aggregate principal amount of \$1,600,000 payable to Public Service Company of Colorado.

Applicant by the instant application proposes to issue and sell to Public Service Company of Colorado, the present holder of all of its issued and outstanding common stock, an additional 50,000 shares of its common stock of the par value of \$10.00 per share, at the price of \$10.00 per share. The proceeds from the sale of the proposed sale of additional common stock will be used to reduce Applicant's existing indebtedness to Public Service Company of Colorado by \$500,000.

There was introduced at the hearing as Exhibit "F-1", a statement showing the capital structure of Applicant as of October 31, 1959,

and a pro forma capital structure as of October 31, 1959 giving effect to the proposed sale of 50,000 additional shares of its Common Stock, at the price of \$10.00 per share. After such proposed sale, the percentage of Applicant's long term debt to total capital will be 43.3% and the percentage of equity to total capital will be 56.7%.

This Commission has carefully reviewed all of the evidence adduced at the hearing in this matter and is of the opinion that the authority sought by the Applicant should be granted.

### F I N D I N G S

#### THE COMMISSION FINDS:

That Applicant, Western Slope Gas Company, a Colorado corporation, is a public utility, as defined by Section 115-1-3, Colorado Revised Statutes, 1953.

That this Commission has jurisdiction of said Applicant and the subject matter of the instant application.

That this Commission is fully advised in the premises.

That the foregoing Statement be made a part of these Findings by reference.

That the proposed issuance and sale by Applicant of 50,000 shares of Common Stock as hereinabove set forth is reasonably required and necessary for its corporate financing.

That the proposed securities transaction is not inconsistent with the public interest; and that the purpose or purposes thereof are permitted by and are consistent with the provisions of Chapter 115, Colorado Revised Statutes, 1953.

That the order sought should be issued, and should be made effective forthwith.

### O R D E R

#### THE COMMISSION ORDERS:

That Western Slope Gas Company, be, and it hereby is, authorized and empowered to issue and sell 50,000 shares of its Common Stock of the par value of \$10.00 per share to Public Service Company of Colorado at the price of \$10.00 per share.

That the securities authorized to be issued hereunder shall bear on the face thereof a serial number for proper and easy identification; that within sixty (60) days from the issuance and delivery of said securities authorized to be issued hereunder, Applicant shall make a verified report to this Commission of such serial numbers placed on such securities as are issued.

That Western Slope Gas Company be, and it hereby is, directed in reflecting in its accounts consummation of the issuance and sale herein authorized, to make and record the various accounting entries in accordance with the Uniform System of Accounts for Electric and Gas Utilities prescribed by this Commission.

That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to, said shares of Common Stock to be issued by Applicant hereunder, or the dividends thereon, on the part of the State of Colorado.

That within sixty (60) days from the date of the delivery of the securities authorized to be issued hereunder, Applicant shall make, pursuant to the terms and conditions of this order, a verified report to this Commission of the issuance of said 50,000 shares of Common Stock, the expenses incident to such issuance, accompanying such report with a new balance sheet reflecting the issuance of said securities and supporting journal entries which shall reflect the exercise of the authority herein granted, together with copies of the accompanying entries recorded on Applicant's books as a result of the consummation of such issuance.

That the Commission shall retain jurisdiction of these proceedings to the end that it may make such further order or orders in the premises as to it may seem to be proper and desirable.

That the authority herein granted shall be exercised from and after this date, this order being made effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Ruey C. Anton*  
*Henry E. Phillips*  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of December, 1959.  
ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE PUEBLO GAS AND FUEL COMPANY, A )  
CORPORATION ORGANIZED AND EXISTING )  
UNDER THE LAWS OF THE STATE OF COLO- ) APPLICATION NO. 17560-Securities  
RADO, FOR AN ORDER AUTHORIZING THE )  
ISSUANCE OF 60,000 SHARES OF ITS )  
COMMON STOCK. )  
----- )

-----  
December 31, 1959  
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Appearances: Lee, Bryans, Kelly & Stans-  
field, Esqs., Denver, Colorado,  
by  
E. A. Stansfield, Esq., for  
Applicant;  
J. M. McNulty, Denver, Colorado,  
and  
E. R. Thompson, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

Pursuant to Section 115-1-4, Colorado Revised Statutes,  
1953, The Pueblo Gas and Fuel Company, a Colorado corporation, herein-  
after called "Applicant," filed with this Commission, on December 11,  
1959, its application for an Order of this Commission authorizing Appli-  
cant to issue 60,000 shares of its Common Stock without nominal or par  
value.

By Decision No. 53525, dated December 11, 1959, this Com-  
mission ordered that a public hearing be held upon the aforesaid appli-  
cation on December 22, 1959, at 10:00 o'clock A. M., 330 State Office  
Building, Denver, Colorado. Interested parties, municipalities, and  
representatives of interested consumers or security holders of the  
Applicant, and other persons whose participation in the matter was in  
the public interest were invited to intervene in the proceedings.  
Petitions of Intervention were to be filed with this Commission on or  
before December 17, 1959.



The hearing on the aforesaid application was held on December 22, 1959, after due notice to all interested parties, and the matter was heard and then taken under advisement by the Commission. No petitions of intervention were filed with the Commission prior to the hearing, and no one appeared at the hearing in opposition to the authority sought by Applicant in this matter.

Witness for Applicant, Mr. E. F. Nussbaum, Assistant Treasurer, testified to the following matters summarily set forth below:

Applicant is a corporation organized and existing under the laws of the State of Colorado, and is a public utility operating company engaged principally in the purchase, distribution, and sale of natural gas. Applicant's operations are wholly within the State of Colorado, the principal center for distribution and sale of gas being in the City of Pueblo and immediate vicinity.

There was received in evidence at the hearing as Exhibit "G" a certified copy of Articles of Amendment to Applicant's Articles of Incorporation filed with the Office of the Secretary of State on December 15, 1959. Pursuant to Applicant's Articles of Incorporation as amended, the authorized capital stock of Applicant consists of 250,000 shares of Common Stock without nominal or par value. As of October 31, 1959, Applicant had issued and outstanding 100,000 shares of Common Stock.

Pursuant to that certain Indenture of Mortgage and Deed of Trust dated as of March 1, 1948, between Applicant and The United States National Bank of Denver, now Denver United States National Bank, as Trustee, as supplemented, Applicant has heretofore issued and there were outstanding as of October 31, 1959, \$602,000 principal amount of First Mortgage Bonds, 3-1/4% Series due 1973 and \$940,000 principal amount of First Mortgage Bonds, 3-3/4% Series due 1977. A condensed description of said Indenture of Mortgage and Deed of Trust and a condensed description of the Bonds authorized and issued by Applicant were introduced at the hearing in this matter as Exhibits "B" and "C" respectively.



For the twelve months ended October 31, 1959, Applicant reported gross operating revenues of \$4,085,391.19, and net income, that is, the amount available for dividends and surplus, of \$141,595.07, as reflected on Exhibit "I" introduced at the hearing in this matter. Said Exhibit "I" also showed that for the twelve months ended October 31, 1959, the amount of \$105,000 was appropriated for Common Stock dividends. Earnings in prior years have been satisfactory. At October 31, 1959, the earned surplus account of the Company aggregated \$761,032.62. Applicant's Balance Sheet as of October 31, 1959, was introduced at the hearing as Exhibit "H". Other than current liabilities and the First Mortgage Bonds heretofore referred to, Applicant had no other outstanding indebtedness as of October 31, 1959, except short term notes in the aggregate principal amount of \$1,300,000 payable to Public Service Company of Colorado.

Applicant by the instant application proposes to issue and sell to Public Service Company of Colorado, the present holder of all of the issued and outstanding common stock, an additional 60,000 shares of its Common Stock without nominal or par value, at the price of \$10.00 per share. The proceeds from the sale of the proposed sale of additional common stock will be used to reduce Applicant's existing indebtedness to Public Service Company of Colorado by \$600,000.

There was introduced at the hearing as Exhibit "F" a statement showing the capital structure of Applicant as of October 31, 1959, and a pro forma capital structure as of October 31, 1959 giving effect to the proposed sale of 60,000 additional shares of its Common Stock, at the price of \$10.00 per share. After such proposed sale, the percentage of Applicant's long term debt to total capital will be 39.5% and the percentage of equity to total capital will be 60.5%.

This Commission has carefully reviewed all of the evidence adduced at the hearing in this matter and is of the opinion that the authority sought by the Applicant should be granted.

## F I N D I N G S

### THE COMMISSION FINDS:

That Applicant, The Pueblo Gas and Fuel Company, a Colorado corporation, is a public utility, as defined by Section 115-1-3, Colorado Revised Statutes, 1953.

That this Commission has jurisdiction of said Applicant and the subject matter of the instant application.

That this Commission is fully advised in the premises.

That the foregoing Statement be made a part of these Findings by reference.

That the proposed issuance and sale by Applicant of 60,000 shares of Common Stock as hereinabove set forth is reasonably required and necessary for its corporate financing.

That the proposed securities transaction is not inconsistent with the public interest; and that the purpose or purposes thereof are permitted by, and are consistent with, the provisions of Chapter 115, Colorado Revised Statutes, 1953.

That the order sought should be issued, and should be made effective forthwith.

## O R D E R

### THE COMMISSION ORDERS:

That The Pueblo Gas and Fuel Company be, and it hereby is, authorized and empowered to issue and sell 60,000 shares of its Common Stock without nominal or par value to Public Service Company of Colorado at the price of \$10.00 per share.

That the securities authorized to be issued hereunder shall bear on the face thereof serial numbers for proper and easy identification; that within sixty (60) days from the issuance and delivery of said securities authorized to be issued hereunder, Applicant shall make a verified report to this Commission of such serial numbers placed on such securities as are issued.

That The Pueblo Gas and Fuel Company be, and it hereby is, directed in reflecting in its accounts consummation of the issuance and

sale herein authorized, to make and record the various accounting entries in accordance with the Uniform System of Accounts for Electric and Gas Utilities prescribed by this Commission.

That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to, said shares of Common Stock to be issued by Applicant hereunder, or the dividends thereon, on the part of the State of Colorado.

That within sixty (60) days from the date of the delivery of the securities authorized to be issued hereunder, Applicant shall make, pursuant to the terms and conditions of this Order, a verified report to this Commission of the issuance of said 60,000 shares of Common Stock, the expenses incident to such issuance, accompanying such report with a new balance sheet reflecting the issuance of said securities and supporting journal entries which shall reflect the exercise of the authority herein granted, together with copies of the accompanying entries recorded on Applicant's books as a result of the consummation of such issuance.

That the Commission shall retain jurisdiction of these proceedings to the end that it may make such further order or orders in the premises as to it may seem to be proper and desirable.

That the authority herein granted shall be exercised from and after this date, this Order being made effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Raymond C. Horton  
Henry G. Mulvaney  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of December, 1959.

ea

original

(Decision No. 53612)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HENRY LEE YATES, 635 EAST SANTA FE, )  
COLORADO SPRINGS, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 17449  
SUPPLEMENTAL ORDER

-----  
December 31, 1959  
-----

ORDER OF COMMISSION STAYING DECISION

Appearances: Edwin Strand, Esq., Colorado  
Springs, Colorado, for  
Applicant;  
Karl R. Ross, Esq., Colorado  
Springs, Colorado, for  
Becker's Ash and Trash,  
Estes Service Company,  
Garbage Service Company, Inc.,  
Johnson's Service, Joe Lee  
Tafoya;  
C. Lee Goodbar, Esq., Colorado  
Springs, Colorado, for Dispos-  
al Service Company, Security  
Garbage Company.

S T A T E M E N T

By the Commission:

On the 11th day of December, 1959, this Commission entered its Decision No. 53516, denying applicant herein a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire.

On the 30th day of December, 1959, counsel for applicant timely filed its Petition for Rehearing, setting forth his grounds therefor.

Pursuant to statute, said Petition having been filed more than ten days subsequent to the date of entry of said Decision No. 53516, said Petition for Rehearing does not automatically stay the De-

cision of the Commission heretofore made and entered herein, but the Commission, in its discretion, is of the opinion that it should be more fully advised in the premises, and therefore it does, pursuant to statute, hereby stay and suspend its action taken in said Decision No. 53516 until further Order of the Commission, and until oral argument may be had before the Commission by the applicant on those matters alleged in Petition for Rehearing, said oral argument to be at a time and place to be set by the Commission.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Holton  
Henry H. Paulsen  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of December, 1959.

mls

original

(Decision No. 53613)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BETH GREEN AND HERBERT D. GREEN, CO- )  
ADMINISTRATORS OF THE ESTATE OF )  
JOHN D. GREEN, DECEASED, DOING BUSI- )  
NESS AS "GREEN TRUCKING," FOWLER, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 515 AND PUC NO. 515-I TO )  
GREEN TRUCKING, INC., FOWLER, COLO- )  
RADO. )  
-----

APPLICATION NO. 17523-Transfer

-----  
January 7, 1960  
-----

Appearances: Alfred Z. Craddock, Esq.,  
Pueblo, Colorado, for  
Applicants.

S T A T E M E N T

By the Commission:

Heretofore, John D. Green, doing business as "Green Trucking,"  
Fowler, Colorado, was granted a certificate of public convenience and  
necessity, authorizing operation as a common carrier by motor vehicle  
for hire, for the transportation of:

livestock and other farm products, and freight,  
generally, from point to point within the terri-  
tory extending 10 miles east, 20 miles south, 10  
miles west and 40 miles north of Fowler, and for  
the transportation of livestock to Pueblo, from  
points situated between 10 and 40 miles north of  
Fowler, applicant not to operate on schedule be-  
tween any points;

livestock and farm products generally, from farms  
situated within the following-described boundaries:  
lying and being 50 miles north of Fowler, 20 miles  
east thereof, 40 miles south, and 20 miles west to  
any points within said area, and to any points  
within the State of Colorado, and from any points  
in Colorado inside and outside of said boundaries  
to points within the same; farm implements, equip-  
ment and supplies generally to farms within said  
area from points therein, and from points outside  
thereof, it being agreed that all such transporta-  
tion so agreed upon shall either originate or ter-  
minate on a farm;



livestock, only, between points within the territory lying east of, and within 15 miles of present east boundary of his territory (north and south boundaries, as extended, to remain the same), and from and to points in said area, to and from points in the State of Colorado;

freight, between all points in Colorado and the Colorado State Boundary Lines, where all highways cross same, in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended;

base area extended to provide extension of the western boundary of the base territory for a distance of 30 miles from present line twenty miles west of Fowler, Colorado, excepting therefrom all that part of Pueblo County, Colorado, west of said present twenty-mile boundary;

livestock, livestock feeds, and farm products, between points in said area, so extended, and between such points on the one hand, and other points in the State of Colorado, on the other hand.

Said operating rights were designated "PUC No. 515" and PUC No. 515-I."

By the instant application, Beth Green and Herbert D. Green, Co-Administrators of the Estate of John D. Green, Deceased, doing business as "Green Trucking," Fowler, Colorado, seek authority to transfer said PUC No. 515 and PUC No. 515-I to Green Trucking, Inc., Fowler, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, La Junta, Colorado, December 10, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 8, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, as an Examiner to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, Herbert D.



Green, Co-Administrator of the Estate of John D. Green, Deceased, appeared and testified in support of the application, stating that there is no outstanding indebtedness against said certificate; that he is President of Transferee corporation, and will actually supervise its operation; that said corporation has sufficient equipment with which to carry on operations under said operating rights; that said corporation has a net worth of approximately \$22,000; that Transferee's Articles of Incorporation are on file with the Commission; that the consideration for transfer is all Capital Stock of said corporation.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of transferee were established to the satisfaction of the Commission.

Report of the Examiner recommends that authority herein sought be granted.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above Findings be, and the same hereby is, approved.

That Beth Green and Herbert D. Green, Co-Administrators of the Estate of John D. Green, Deceased, doing business as "Green Trucking," Fowler, Colorado, be, and they hereby are, authorized to transfer

all right, title and interest in and to PUC No. 515 and PUC No. 515-I -- with authority as set forth in the preceding Statement, which is made a part hereof, by reference -- to Green Trucking, Inc., Fowler, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said certificates have been formally assigned and that said parties have accepted, and in the future will comply with the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The tariff of rates, rules, and regulations of transferors shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificates up to the time of transfer of said certificates.

That transfer of interstate operating rights herein authorized is subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Robert C. Watson*  
*James H. Allen*  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of January, 1960.

original

(Decision No. 53614)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
KENNETH S. DITMARS, VERN'S TRAILER )  
COURT, LA PORTE, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
-----

APPLICATION NO. 17538-PP

-----  
January 7, 1960  
-----

Appearances: Kenneth S. Ditmars, La  
Porte, Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs and rough lumber, from forests and sawmills, to sawmills and loading points within a radius of seventy-five miles of said forests, in the State of Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Fort Collins, Colorado, December 15, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 3, 1959, the Commission, as provided by law, designated Louis J. Carter, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings with the Commission.

Report of said Examiner states that at the hearing, applicant

herein appeared and testified in support of his application, stating he is the owner of a 1952 International Truck, together with a White Triler; that he has a net worth of \$2,500; that he has had numerous requests for his proposed service between points within seventy-five miles of Fort Collins, Colorado, including Grand and Jackson Counties, Colorado; that he has received no requests for service from other points within the State of Colorado.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

It does not appear that applicant's proposed service will impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings be, and the same hereby is, approved.

That Kenneth S. Ditmars, La Porte, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs and rough lumber, between points within a radius of seventy-five miles of Fort Collins,

Colorado, including Grand and Jackson Counties, Colorado.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Rueper C. Horton  
Henry J. Mulcahy  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of January, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

JOHN L. HULL, DOING BUSINESS AS,  
"ROCKY MOUNTAIN POP CORN COMPANY",  
4050 TEJON STREET, DENVER 11, COLO-  
RADO.  
-----)

PERMIT NO. M-9237

-----  
January 14, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from John L. Hull, doing  
business as, "Rocky Mountain Pop Corn Company", Denver 11, Colorado  
requesting that Permit No. M-9237 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9237, heretofore issued to John L. Hull, doing  
business as, "Rocky Mountain Pop Corn Company", Denver 11, Colorado be,  
and the same is hereby, declared cancelled effective December 16, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ramon C. Johnson  
Wm. E. Zurling  
Commissioners

Dated at Denver, Colorado,

this 14th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

FRED MESTAS, DOING BUSINESS AS,  
"FRED MESTAS AND SON", SAN LUIS,  
COLORADO.  
-----

PERMIT NO. M-7244

-----  
January 14, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Fred Mestas, doing  
business as, "Fred Mestas and Son", San Luis, Colorado  
requesting that Permit No. M-7244 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7244, heretofore issued to Fred Mestas, doing  
business as, "Fred Mestas and Son", San Luis, Colorado be,  
and the same is hereby, declared cancelled effective December 30, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Henry E. Zellerbach  
Commissioners

Dated at Denver, Colorado,

this 14th day of January, 1960.

hc



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

ELMER J. JAKEL, 5340 COOK STREET,  
DENVER 16, COLORADO.

PERMIT NO. M-11389

January 14, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Elmer J. Jakel,  
Denver 16, Colorado  
requesting that Permit No. M-11389 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11389, heretofore issued to Elmer J. Jakel,  
Denver 16, Colorado be,  
and the same is hereby, declared cancelled effective November 24, 1958.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Heston  
Wm. E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 14th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

W. H. MC ILVAINE, 200 ROSS AVENUE,  
ALAMOSA, COLORADO.

PERMIT NO. M-2832

January 14, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from W. H. McIlvaine,  
Alamosa, Colorado  
requesting that Permit No. M-2832 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2832, heretofore issued to W. H. McIlvaine,  
Alamosa, Colorado be,  
and the same is hereby, declared cancelled effective January 1, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
King E. Zerkow  
Commissioners

Dated at Denver, Colorado,

this 14th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

EUNICE E. GUESS, ROUTE 2, LA JUNTA,  
COLORADO.

PERMIT NO. M-3876

January 14, 1960

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Eunice E. Guess,  
La Junta, Colorado  
requesting that Permit No. M-3876 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-3876, heretofore issued to Eunice E. Guess,  
La Junta, Colorado be,  
and the same is hereby, declared cancelled effective December 2, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

OF THE STATE OF COLORADO  
Joseph T. Negro  
Ralph C. Norton  
Henry C. Zischner  
Commissioners

Dated at Denver, Colorado,

this 14th day of January, 1956o.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

E. D. MARTIN, DOING BUSINESS AS,  
"MARTIN SHEET METAL SHOP", 118  
NORTH CASCADE, MONTROSE, COLORADO.

PERMIT NO. M-9931

January 14, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from E. D. Martin, doing  
business as, "Martin Sheet Metal Shop", Montrose, Colorado  
requesting that Permit No. M-9931 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9931, heretofore issued to E. D. Martin, doing  
business as, "Martin Sheet Metal Shop", Montrose, Colorado be,  
and the same is hereby, declared cancelled effective April 10, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zaulinger  
Commissioners

Dated at Denver, Colorado,

this 14th day of January, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WILLIAM H. BYERS, 128 NORTH GRANT, )  
FORT COLLINS, COLORADO. )  
----- )

PERMIT NO. M-10496

-----  
January 14, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from William H. Byers,  
Fort Collins, Colorado  
requesting that Permit No. M-10496 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10496, heretofore issued to William H. Byers,  
Fort Collins, Colorado be,  
and the same is hereby, declared cancelled effective November 25, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Wm. E. Zullinger  
Commissioners

Dated at Denver, Colorado,  
this 14th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
M. T. BUCKLEY, D. J. BUCKLEY AND W. )  
M. BUCKLEY, DOING BUSINESS AS, )  
"AMERICAN CORNICE WORKS", 120 SOUTH )  
CHESTNUT, COLORADO SPRINGS, COLORADO.)  
-----

PERMIT NO. M-13462

-----  
January 14, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from M. T. Buckley, D. J. Buckley and W. M. Buckley, dba "American Cornice Works", Colorado Springs, Colorado requesting that Permit No. M-13462 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13462, heretofore issued to M. T. Buckley, D. J. Buckley and W. M. Buckley, dba "American Cornice Works", Colo. Springs, Colo. be, and the same is hereby, declared cancelled effective January 1, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 14th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
THOMAS AND MAXINE GOLSON, SOUTH )  
ROUTE, CORTEZ, COLORADO. )

PERMIT NO. M-15851

January 14, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Thomas and Maxine  
Golson, Cortez, Colorado  
requesting that Permit No. M-15851 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-15851, heretofore issued to Thomas and Maxine  
Golson, Cortez, Colorado be,  
and the same is hereby, declared cancelled effective December 10, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Norton  
Henry E. Zurlings  
Commissioners

Dated at Denver, Colorado,

this 11th day of January, 1956o.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
TRACY MITCHELL, DOING BUSINESS AS, )  
"B.T.U. BLOCK AND COAL COMPANY", P. )  
O. BOX 822, RATON, NEW MEXICO )  
----- )

PERMIT NO. M-8714

-----  
January 14, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Tracy Mitchell, doing  
business as, "B.T.U. Block and Coal Company", Raton, New Mexico  
requesting that Permit No. M-8714 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8714, heretofore issued to Tracy Mitchell, doing  
business as, "B.T.U. Block and Coal Company", Raton, New Mexico be,  
and the same is hereby, declared cancelled effective December 29, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Norton  
Wm. E. Zerkow  
Commissioners

Dated at Denver, Colorado,

this 14th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

HARRY E. WHISLER, 3131 WEST 37TH  
AVENUE, DENVER 11, COLORADO.

PERMIT NO. M-6278

January 14, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Harry E. Whisler,

Denver 11, Colorado

requesting that Permit No. M-6278 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6278, heretofore issued to Harry E. Whisler,

Denver 11, Colorado be,

and the same is hereby, declared cancelled effective December 27, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Robert C. Norton  
Henry E. Zurlings  
Commissioners

Dated at Denver, Colorado,

this 14th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

SAM THOMAS, DOING BUSINESS AS,  
"THOMAS REPAIR SERVICE", 1022  
POPLAR STREET, DENVER 20, COLORADO.

PERMIT NO. M-15233

January 14, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Sam Thomas, doing  
business as, "Thomas Repair Service", Denver 20, Colorado  
requesting that Permit No. M-15233 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15233, heretofore issued to Sam Thomas, doing  
business as, "Thomas Repair Service", Denver 20, Colorado be,  
and the same is hereby, declared cancelled effective December 22, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Horton  
King E. Zarlengo  
Commissioners

Dated at Denver, Colorado,

this 14th day of January, 19560.

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JESSE C. GREER, 304 NORTH )  
HOWES, FORT COLLINS, COLO- )  
RADO. )  
-----

PERMIT NO. B-4544

-----  
January 19, 1960  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-4544 be suspended for six months from June 1, 1959.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Jesse C. Greer, Fort Collins, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-4544 until April 1, 1960.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to re-instate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
James C. [illegible]  
Henry E. [illegible]  
Commissioners

Dated at Denver, Colorado,  
this 19th day of January, 19 60

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ROSS C. SILVA, GENERAL )  
DELIVERY, IGNATIO, COLORADO. )  
)

PERMIT NO. B-5618

-----  
January 19, 1960  
-----

S T A T E M E N T

By the Commission:

On July 28, 1959, the Commission authorized Ross C. Silva, to suspend operations under his Permit No. B-5618, until January 28, 1960.

The Commission is now in receipt of a communication from the above-named permittee requesting that his Permit be reinstated.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-5618, should be, and the same hereby is, reinstated as of December 28, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Ross C. Silva*  
*Henry E. Zalusky*  
Commissioners

Dated at Denver, Colorado,  
this 19th day of January, 1960.

hc

original

(Decision No. 53629)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF ISSUANCE OF )  
TEMPORARY CERTIFICATES OF PUBLIC )  
CONVENIENCE AND NECESSITY UNDER )  
CHAPTER 80, SESSION LAWS OF COLO- )  
RADO, 1951, FOR EMERGENCY MOVE- )  
MENT OF SUGAR BEETS IN WELD )  
COUNTY, COLORADO. )  
-----

APPLICATION NO. 17583

-----  
January 4, 1960  
-----

S T A T E M E N T

By the Commission:

Report has been received by the Commission from Louis J. Carter, Supervisor, Complaint and Investigation Division of this Commission, indicating that an emergency exists because of shortage of trucks for transportation of sugar beets in Weld County, Colorado, and that said emergency will probably continue for a period of approximately fifteen (15) days.

Request is made for an Order of the Commission relative to issuance of temporary certificates of public convenience and necessity for the seasonal transportation of sugar beets in the County of Weld, State of Colorado.

F I N D I N G S

THE COMMISSION FINDS:

That an emergency exists because of shortage in certificated trucks for transportation of sugar beets in the County of Weld, State of Colorado, and that public convenience and necessity require that temporary certificates of public convenience and necessity should issue for operation of motor vehicles for transportation of sugar beets from point to point within Weld County, Colorado, as provided by Chapter 80, Session Laws of 1951, said certificates to be effective for a period of



fifteen days, or from January 4, 1960, to and including January 15, 1960.

O R D E R

THE COMMISSION ORDERS:

That temporary certificates of public convenience and necessity be, and are hereby, authorized to be issued for operation of motor vehicles, for the transportation of sugar beets, from point to point within the County of Weld, State of Colorado, said certificates to become effective January 4, 1960, and to continue in force up to and including January 15, 1960, no such certificate to issue for transportation of sugar beets by motor vehicle to any point beyond the boundaries of the State of Colorado.

2935, as  
THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Russell C. Hobart*  
*Henry G. Zuley*  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of January, 1960.

mls



original

(Decision No. 53630)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
MAX HICKEY, DOING BUSINESS AS	)	
"SPRINGFIELD DRAY AND CLEANUP,"	)	
SPRINGFIELD, COLORADO, FOR AUTHORITY	)	
TO TRANSFER PUC NO. 3372 TO EARL K.	)	APPLICATION NO. 17524-Transfer
WAGNER, DOING BUSINESS AS "SPRING-	)	
FIELD DRAY AND CLEANUP," SPRING-	)	
FIELD, COLORADO.	)	

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January 7, 1960  
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Appearances: Max Hickey, Springfield,  
Colorado, pro se;  
Earl K. Wagner, Spring-  
field, Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, Max Hickey, doing business as "Springfield Dray and Cleanup," Springfield, Colorado, was granted a certificate of public convenience and necessity (PUC No. 3372), to operate as a common carrier by motor vehicle for hire, for the transportation of:

trash, refuse, garbage, and other waste materials, between points within a radius of ten miles of Springfield, Colorado, on call and demand.

By the above-styled application, said certificate-holder seeks authority to transfer said PUC No. 3372 to Earl K. Wagner, doing business as "Springfield Dray and Cleanup," Springfield, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, La Junta, Colorado, December 10, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 8, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to con-

duct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting said hearing, he thereafter submitting a report of proceedings to the Commission.

Report of said Examiner states that at the hearing, Max Hickey, Transferor herein, appeared and testified in support of the application, stating he has been operating under PUC No. 3372 for one year; that there are no outstanding unpaid operating obligations against said certificate; that the consideration for transfer of said operating rights is the sum of \$1,200, Contract of Sale being on file with the Commission.

Report of said Examiner further states that Earl K. Wagner, Transferee herein, also appeared at the hearing and testified in support of the instant application, stating he has had operating experience; that he has sufficient equipment with which to conduct operations under said PUC No. 3372; that he has a net worth of approximately \$5,000, his financial statement being on file with the Commission; that the consideration for transfer of PUC No. 3372 is the sum of \$1,200.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of transferee were established to the satisfaction of the Commission.

Report of the Examiner recommends that authority herein sought be granted.

## F I N D I N G S

### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That the proposed transfer is compatible with the public inter-

est, and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings be, and the same hereby is, approved.

That Max Hickey, doing business as "Springfield Dray and Cleanup," Springfield, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 3372 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Earl K. Wagner, doing business as "Springfield Dray and Cleanup," Springfield, Colorado, subject to payment of outstanding indebtedness against said certificate, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The tariff of rates, rules, and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any,

covering operations under said certificate up to the time of transfer of said certificate.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Raushy C. Horton*  
*Harry E. Paulsen*  
Commissioners

Dated at Denver, Colorado,  
this 7th day of January, 1960.

mls

original

(Decision No. 53631)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN CADY, 214 EAST MOUNTAIN AVENUE, )  
FORT COLLINS, COLORADO, FOR A CER- )  
TIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 17461

-----  
January 7, 1960  
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Appearances: Aldo G. Notarianni, Esq.,  
Denver, Colorado, for  
Applicant.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a common carrier by motor vehicle for hire, for the transportation of general commodities (except cattle, items shipped under uniform bills of lading, moving-van types of shipments in excess of 150 pounds, sand, gravel, ashes, trash, and garbage), in the territory known as the City of Fort Collins, Colorado, and in an area twenty miles wide immediately surrounding and adjacent to the exterior boundaries of said city, no individual item transported to weigh in excess of 150 pounds, and motor vehicles not to be larger than so-called "three-fourths-ton trucks."

Said application was regularly set for hearing before the Commission, at the Court House, Fort Collins, Colorado, December 15, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 3, 1959, the Commission, as provided by law, designated Louis J. Carter, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the

Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, John Cady, applicant herein, appeared in support of his application, testifying that he has had fifteen years' experience in package delivery business; that he knows the laws and rules and regulations governing transportation by common carrier by motor vehicle; that he is the owner of a three-fourths-ton truck; that he has a net worth of \$5,000; that he has made a survey of the territory he proposes to serve, and believes there is a definite need for his proposed services.

T. P. Treadwell, Fort Collins City Building Inspector, appeared and testified that he has held public office in Fort Collins, Colorado, for twenty-three years; that he is acquainted with the growth and needs of said city and vicinity; that, in his opinion, there is a need for applicant's proposed services.

Wilbur Kramer appeared at the hearing and testified he is a motel operator in Fort Collins, and that as such, he has needed service such as is proposed by applicant herein.

Eddie Gallegos also testified he is engaged in transportation of ashes and trash in the City of Fort Collins; that in his work he has had numerous requests for service in transportation of small packages.

It was agreed that in lieu of a territory which embraced twenty miles from the City Limits of Fort Collins, a twenty-three-mile radius from College and Mountain Avenues would be more definite, and would serve applicant's needs, and that the term "150 pound shipments" would mean "150 pound packages," but that the total number of 150 pound packages that could be accepted would not exceed the number which could be transported with facility upon a three-fourths-ton truck.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

Report of the Examiner recommends that authority herein sought be granted.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That public convenience and necessity require applicant's proposed operations, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings be, and the same hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of John Cady, Fort Collins, Colorado, for the transportation of packages, weighing less than 150 pounds, total number of such 150-pound packages to be accepted from one shipper to be the number that could be transported with facility on a three-fourths-ton truck, between points within a twenty-three-mile radius of College and Mountain Avenues, in Fort Collins, Colorado, size of equipment to be used not to exceed a three-fourths-ton truck, as of the present-time rating, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.



That applicant shall operate his carrier system in accordance with the Order of the Commission, except when prevented by Act of God, the public enemy or extreme conditions.

That this Order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of January, 1960.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE SOUTH SUBURBAN WATER COMPANY, )  
COLORADO SPRINGS, COLORADO, FOR AN )  
ORDER FIXING INTERIM OR EMERGENCY )  
RATES AND SETTING A DATE FOR A HEAR- )  
ING FOR THE PURPOSE OF RECEIVING )  
EVIDENCE TO ENABLE THE COMMISSION TO )  
DETERMINE AND FIX THE RATES TO BE )  
CHARGED BY APPLICANT. )  
-----

APPLICATION NO. 17128  
SUPPLEMENTAL ORDER

-----  
January 8, 1960  
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Appearances: Hughes and Dorsey, Esqs.,  
Denver, Colorado, by  
Allan R. Phipps, Esq., for  
Applicant;  
Ben Wendelken, Esq., Colo-  
rado Springs, Colorado,  
for Protestant, Tri-Com-  
munity Civic Corporation;  
E. R. Lundborg, Esq., Den-  
ver, Colorado,  
Everett R. Thompson, Denver,  
Colorado, and  
J. M. McNulty, Denver, Colo-  
rado, for the Staff of the  
Commission.

S T A T E M E N T

By the Commission:

The South Suburban Water Company is an operating public utility, subject to the jurisdiction of this Commission, rendering water service in a certificated area south of the City of Colorado Springs in the area commonly known as Ivywild, Broadmoor, North and South Cheyenne Canons.

On May 29, 1959, Applicant herein filed its application with this Commission seeking an interim order for an emergency rate, for the setting of a date for the taking of further evidence in order for the Commission to determine and fix the rates to be charged for

water by Applicant. The hearing in regard to the interim rate was held by the Commission, after due notice to all interested parties, on Friday, June 12, 1959, in the Commission's Hearing Room, 330 State Office Building, Denver, Colorado. The Commission issued its Order, dated June 15, 1959, Decision No. 52531, setting an interim rate for Applicant. Subsequently, again after due notice to interested parties, a hearing was held in the City Auditorium at Colorado Springs on September 23, 1959, for the taking of evidence in regard to the setting of a final rate to be charged by Applicant. The hearing on September 23, 1959, was for the purpose of taking direct testimony and at the conclusion of the hearing on said date, the matter was recessed pending further proceedings in the matter. On November 16, 1959, further hearing was held in regard to this matter and this hearing was held in the Court House in Colorado Springs. At the latter hearing, cross-examination was held on the Company's "case in chief" and the staff of the Commission also presented its case, followed by rebuttal testimony of Applicant. At the conclusion of the hearing on November 16, 1959, the matter was taken under advisement by the Commission.

The rates of Applicant were a matter of investigation by this Commission in Investigation and Suspension Docket No. 401 and by virtue of Decision No. 49312, of January 6, 1958, after appropriate hearing, the Commission approved new rates to be charged by Applicant. It was evident at the hearing held in regard to the interim rates requested herein that Applicant had failed to earn the rate of return that the Commission found to be fair as a result of its decision in Investigation and Suspension Docket No. 401. The Commission by its Order in said Investigation permitted Applicant to file new water rates to enable it to earn  $6\frac{1}{2}\%$  on the rate base. Applicant filed a water rate as follows:

First 15,000 gallons or less, per quarter \$10.00 (minimum)

All over 15,000 gallons per quarter per  
thousand gallons .26

Applicant proposed by its present application to charge an interim rate with the same minimum charge as above, but increasing the per thousand gallon rate from 26¢ to 38¢. The Commission, by its Decision No. 52531, of June 15, 1959, permitted Applicant to file a rate based on a \$10.00 minimum charge per quarter for 15,000 gallons and increasing the charge from 26¢ per thousand to 32.5¢ per thousand. This interim rate became effective on and after meter readings on or about June 15, 1959. Applicant, at the hearing, agreed that in the event this rate proved to be too high, it would refund to its customers any over charges found by the Commission, together with interest for the period of time involved.

In the past, we have discussed at length the history of this water company and how the present system came into being. While we have nothing new to add to this history, we feel that some repetition is necessary for a full understanding of the situation. Historically, the Brookside Water Company, one of the predecessors of South Suburban, held a certificate from this Commission and operated in a certificated area generally north of Cheyenne Creek. The Myron Stratton Home operated a water system generally on the south side of Cheyenne Creek. The Home maintained that its operation was not subject to the jurisdiction of this Commission. The Home acquired control of the Brookside Water Company and subsequently formed the South Suburban Water Company by changing the name to South Suburban and transferring to said Company the water facilities operated by Myron Stratton Home. Since the acquisition of Brookside was by means of common stock, no approval of this Commission was necessary. With the formation of the new South Suburban Water Company, a certificate was obtained from the Commission embracing all the area formerly served by Brookside and the Myron Stratton Home Water systems. At the time of

this acquisition, it was brought to the attention of the Commission that the Myron Stratton Home, as the owner of the South Suburban Water Company, intended to finance South Suburban by means of loans by and between the Home and South Suburban. Applicant contends that the Myron Stratton Home, a charitable corporation, established pursuant to the will of the late Winfield S. Stratton, cannot hold common stock and therefore all financing by the Home would be by loans to South Suburban. At the time of the consolidation of the companies and the issuance of the certificate of South Suburban these loans amounted to 90% of the total capitalization. At the present time, because of past operational losses resulting in a deficit surplus account, the debt ratio is over 100%. Normally, the Commission would have been reluctant to approve a 90% debt ratio, but since the parent company cannot finance by any other means and in the event of a default, the parent-management relationship would not change, the Commission in this instance did approve the consolidation and issued a certificate. It was presumed that as long as this Company paid its interest and met its operating expenses in full any new financing would of necessity be obtained from the Myron Stratton Home by further loans. South Suburban's failure to earn its interest in the past and as recent as the year 1958 prompted the Home to issue notes payable by South Suburban to the Home for the interest on prior loans which it failed to pay. Two such notes payable to the Home and bearing interest at 6% were signed by South Suburban, one in the amount of \$155,610.44, and the other for \$35,000. The larger of the two notes embraced a period of time covered by several years, while the \$35,000 note, dated December 24, 1958, covered unpaid interest for 1958.

In the testimony and exhibits submitted herein for the determination of the final rate, South Suburban has maintained that it should be entitled to earn sufficient to not only pay the interest on the loans that were invested in plant, but also to repay the loans for

past due interest payments. The total amount of the notes signed by South Suburban and held by the Home for delinquent interest amounts to \$190,600.44. We do not agree with counsel for Applicant that this delinquent interest is a part of Applicant's cost of financing in the manner in which it is presently funded. The situation that South Suburban presently finds itself in as far as its finances are concerned is undoubtedly due to the intercorporate relationships between the Home and South Suburban. The testimony revealed that South Suburban has been using its depreciation accruals, together with whatever cash was available, to build additions to plant. If the present notes of South Suburban were held by a non-affiliated party, we have every reason to believe that South Suburban would have endeavored to use available cash to pay off the interest rather than invest the money in plant. Had it elected to do so, its loans for the building of plant would have been increased while its delinquent interest would have been paid. Had South Suburban followed the latter method, the plant that was built would be represented by additional loans in its capital structure that would be an integral part of its financing, and South Suburban would be entitled to earn on these amounts as on its other monies invested in plant.

Exhibits Nos. 14 and 14 A, submitted at the hearing, identifies the amounts invested in plant by South Suburban by cash available to South Suburban for the years 1954 through 1958, the periods covering the delinquent interest. Assuming South Suburban used its available cash toward the payment of interest, rather than to invest it in plant, it would have had to borrow that amount which it invested in plant during this period of time. According to our calculations, excluding the year 1954, since during this year Applicant built plant with money obtained from a loan from the Home, we find that Applicant would have invested by this means, \$108,529.56, exclusive of contribution in aid of construction. Had Applicant borrowed this amount from



its parent at the rate of 6% in lieu of signing the notes for delinquent interest, the plant would be represented by debt in the capital structure. We will assume for rate making purposes herein that Applicant has, in effect, borrowed this amount of money for additions to plant and, therefore, will allow in the capital structure this additional debt and will recognize the annual interest payment on the principal amount. As to the difference between the \$108,529.56 and the \$190,610.44, the total amount of the notes for delinquent interest representing unpaid interest, we can find no reason why its customers are liable for this payment. A witness for Applicant at the hearing testified that perhaps South Suburban should have applied sooner to the Commission for a rate increase rather than let the delinquent interest accumulate. We agree with the witness that the burden is on the Applicant, and the Commission cannot guarantee a rate of return. Consequently, in our determination of the proper rates herein, we will not recognize any payment for delinquent interest, but will include as a part of the capital structure the amount of money that Applicant would have borrowed had it elected to do so rather than to build plant additions from its internal cash sources.

One of the great difficulties we have had in past rate cases with this Company has been the determination of a test year. In times past, the staff and the Applicant have endeavored by means of checking of records for rainfall over a long period of years to determine what would be normal precipitation for this area. When there has been relatively little rainfall, Applicant has also been hard pressed to supply the demand on its water system and has resorted to water restrictions. At other times, when there has been rainfall, it has been able to fill its reservoirs, but because of the rainfall the demand for water was not as great as in the dry years. The records of the Company, as far as the consumptive use of water in various years, has left some-



thing to be desired as far as reliability on the total gallonage sold. As a part of the instant case, Applicant and the staff spent considerable time in checking Company records in attempting to arrive at a test period. We have every reason to believe that the figures submitted in this record are the best that the Commission has had to work with to date and, consequently, we have relied on them for setting a rate herein.

The figures submitted by the Company in regard to rate base have followed the general pattern set by this Commission in prior Orders and there were no exceptions taken at the hearing by the staff as to the elements or the amounts as shown. Applicant's Exhibit No. 5 and staff Exhibit No. 1 show the rate base for the test year in the amount of \$1,161,251. We will accept this amount as being proper. It will be noted that this rate base is predicated upon Applicant's original cost as shown by the books of the Company, together with materials and supplies and working capital. The reserve for depreciation, customer's advances for construction and contributions in aid of construction, have been deducted.

Applicant also submitted exhibits showing its income and expenses for the test year and on a pro forma basis showing the effects of the interim rate set by the Commission in its initial Order herein. The staff has also concurred in the figures as shown with one exception. The exception is an adjustment for the amortized cost of the present rate case, based on testimony subsequent to the submission of Applicant's exhibits.

In its original application herein, Applicant requested a rate of \$10.00 for the first 15,000 gallons per quarter and 38¢ per thousand gallons for additional water. By various exhibits at the hearing, Applicant has shown the net results of the 32.5¢ per thousand interim rate, together with what it would have earned had the rates been set at a minimum of \$10.00 and a rate of 40¢ per thousand; a rate

of \$12.50 for the minimum and 40¢ per thousand. These rates would return Applicant, based on the test year, a rate of return varying from  $6\frac{1}{2}\%$  on the rate base to about  $8\frac{1}{2}\%$ . Applicant's testimony for the higher rate of return was based on payment of interest on its debt, including the interest on the capitalization of its past losses, the necessity to build what it considered the normal amount of plant out/earnings, together with the retirement of debt. We agree that Applicant should be able to pay the interest on the loans on the money invested in plant and that there should be a cushion over and above this amount which Applicant can elect to either reduce its debt or build plant. We feel, however, that the fact that Applicant in times past did not use its depreciation accruals for the retirement of debt does not mean that it can continue in the future to use these monies for the additions to plant and expect in return an additional amount to retire its loans and also to build plant. By the same token, we do not believe that the customers through rates must furnish all the capital for normal additions to plant. As we have previously stated, at the time that the Home fostered South Suburban in the utility business it was cognizant of the fact that it could not invest in equity capital, but must rely wholly on debt financing. We also relied on that situation and will continue to do so. Albeit, we feel the Company is entitled to earn the interest on its loans in the future so that the Home will not be reluctant to invest additional capital if and when needed.

Applicant, in its exhibits, shows that its interest amounts to \$65,385.88 annually, but this includes two loans which we have already enumerated that were made to South Suburban to recoup interest payments that were not paid when due. In determining the correct amount of interest for Applicant, we have made corrections as heretofore noted on the amount of money which Applicant would have borrowed

had it elected to build plant with said money rather than by available cash. Set out below is a tabulation showing the amounts of money that Applicant has borrowed and would have borrowed had it elected to build plant entirely by loans. This tabulation also shows the amount of annual interest on said loans.

<u>Principal</u>	<u>Rate</u>	<u>Interest</u>
\$108,529.56	6%	\$ 6,512
958,593.16	5%	47,930
74,793.24	5%	3,740
37,998.90	6%	2,280
		<hr/>
		\$ 60,462

In determining the amount of return which Applicant should be entitled to earn under the rates to be set herein, we have in mind the above amount of interest as an annual payment to the Home by Applicant. We have also used this amount as an income deduction in calculating both State and Federal income taxes.

Based on the test year, Applicant would have total operating revenues in the amount of \$187,637.78 on the interim rate as set by the Commission with a \$10.00 minimum and \$.325 per M gallons as shown on Applicant's Exhibit No. 9. However, in order for Applicant to take care of its interest payment, as previously noted, we feel that additional operating revenues are necessary. Using a rate of \$10.00 minimum per quarter for 15,000 gallons and \$.36 per 1000 gallons for additional water per quarter based on the test year, Applicant would have total operating revenues of \$198,218, which would produce net revenues, after operating expenses, depreciation and taxes of \$80,660. The above rate would increase Applicant's operating revenues for the test year an additional \$10,585 over the interim rate which we have previously approved.

It is interesting to note that if Applicant were financed so as to provide only 60% debt and 40% equity on the rate base herein, it would be necessary to raise the operating revenues of Applicant \$30,000

to provide a  $6\frac{1}{2}\%$  rate of return on the rate base. The amount of interest deducted for income tax purposes accounts for this difference. In order to raise the operating revenues by \$30,000, it would be necessary to have a rate of \$.425 per M gallon based on the test year.

From past experience, the Commission has found that water utilities in general have problems that are not common to other types of utilities. Also from past experience, we have found that South Suburban in many ways is unique even in the category of water utilities. In addition to the problem of rainfall and storage, its parent-subsidiary relationship is different from that normally found. The Myron Stratton Home is an eleemosynary institution, and this further creates problems because of the method of financing. In approving the issuance of a certificate to South Suburban, the Commission recognized all of these problems, but recognition has not solved the problem. We cannot follow precedent because this situation defies precedent. We are hard pressed to rely on past experience because the variables are unpredictable. Looking at the overall picture, however, we realize that while we may not be too well satisfied with the corporate set up and since we cannot change or predict the weather, we, nevertheless, must provide an answer as best we can. A zone of reasonableness in this instance is not so much what the rate of return would be as far as confiscation or unreasonableness is concerned, but what is a fair rate to both the Company and the customer under the light of all the conditions with which we are faced. We have given this problem considerable thought and believe that a rate of \$10.00 per quarter minimum for 15,000 gallons or less of water, with a charge of 36¢ per thousand gallons per quarter over the minimum, meets the test of fairness, as a just and reasonable rate, and, accordingly, in our Order to follow we will permit the Company to file said rate.

In reaching the conclusions stated above, the Commission, in no wise, intends to be understood approving what is tantamount to a guaranteed rate of return. This situation arises by virtue of the fact that the Myron Stratton Home, who is the sole stockholder, is also the owner of all of the notes evidencing the indebtedness of the company, which is at a ratio of better than 100%. These notes carry a fixed rate of interest. Thus, if we allow the Water Company to earn an amount of money sufficient to pay its interest charges, we would, in effect, be allowing a guaranteed rate of return to the owner of the Company.

This the Commission has no intention of doing, but considering the peculiarities of this case; considering that the water company would have no means of securing credit, and with no guarantee to the water company or to the home that unpaid interest may be accumulated in the future for rate-making purposes, as we have disallowed this in the past in this Order, the Commission is satisfied that it does not violate the basic principle of not guaranteeing a rate of return. It is only because of the rare peculiarities which would not be found in any other case, that we give recognition to the novel situation in which South Suburban finds itself.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the Commission has jurisdiction of the South Suburban Water Company, Applicant herein, and of the subject matter of the instant application.

That the above Statement be made a part of these Findings by reference.

That the Commission is fully informed in the matter.

That the present interim rate of Applicant in the amount of \$10.00 per 15,000 gallons per quarter, being the minimum charge per

quarter, and a charge of \$.325 per 1000 gallons for additional water is unjust, unreasonable and should be cancelled.

That Applicant be authorized to file new rates for water service based on a minimum of \$10.00 per quarter for 15,000 gallons and a rate of \$.36 per 1000 gallons per quarter over the minimum, which rates are hereby found to be just and reasonable.

O R D E R

THE COMMISSION ORDERS:

That South Suburban Water Company hereby is authorized to file a new rate for water service as follows:

First 15,000 gallons or less used, per quarter \$10.00

All additional water over the minimum, per  
quarter, per 1000 gallons .36

That Applicant be, and it hereby is, authorized to file the above rate on the forms prescribed by the Commission on not less than three days' notice after the effective date of the Order herein.

That Applicant shall place the application number, date, and decision number on the rate schedule when filed as authorization for the filing.

This Order shall become effective twenty-one days from date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Regis*  
*Ralph C. Galen*  
*Henry G. Adkins*  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of January, 1960.



original

(Decision No. 53633)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

IN THE MATTER OF THE APPLICATION OF	}	<u>APPLICATION NO. 16177-Transfer</u>
C. J. BURRESS, JR., DONALD A. HELLE-		
SEN, AND PAUL W. FARMER, CO-PARTNERS,		
DOING BUSINESS AS "A A TAXICAB COM-		
PANY," 801 NORTH GRAND AVENUE,		
PUEBLO, COLORADO, FOR AUTHORITY TO		
TRANSFER PUC NO. 3904 TO A A TAXICAB		
COMPANY, INC., 801 NORTH GRAND	}	
AVENUE, PUEBLO, COLORADO.		
-----		

-----  
January 8, 1960  
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Appearances: Frank R. Stewart, Esq.,  
Pueblo, Colorado, for  
Applicants.

S T A T E M E N T

By the Commission:

On April 16, 1958, the Commission entered its Decision No. 50086, authorizing transfer of PUC No. 1007 from C. J. Burress, Jr., Donald A. Hellesen, and Paul W. Farmer, co-partners, doing business as "A A Taxicab Company," Pueblo, Colorado, to A A Taxicab Company, Inc., a corporation, Pueblo, Colorado, as set forth in said Order.

It now appears that a typographical error appeared in the caption of said Decision No. 50086, inasmuch as the number "PUC 3904" was set forth therein, whereas the correct number was "PUC 1007."

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 50086 should be amended, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

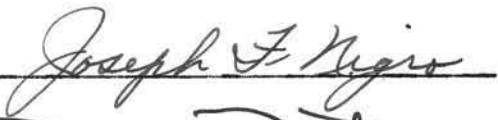
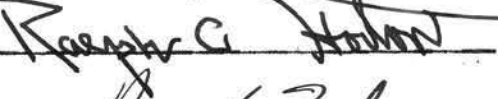

That Decision No. 50086, of date April 16, 1958, be, and the

same hereby is, amended, nunc pro tunc, as of said 16th day of April, 1958, by changing the PUC number set forth in the caption thereof, from "PUC No. 3904," to "PUC No. 1007," so that said caption, as amended, shall read as follows:

"IN THE MATTER OF THE APPLICATION OF  
C. J. BURRESS, JR., DONALD A. HELLE-  
SEN, AND PAUL W. FARMER, CO-PARTNERS,  
DOING BUSINESS AS 'A A TAXICAB COM-  
PANY,' 801 NORTH GRAND AVENUE, PUEBLO,  
COLORADO, FOR AUTHORITY TO TRANSFER  
PUC NO. 1007 TO A A TAXICAB COMPANY,  
INC., 801 NORTH GRAND AVENUE, PUEBLO,  
COLORADO."

That except as herein amended, said Decision No. 50086 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of January, 1960.

mls

original

(Decision No. 53634)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
PLAINS COOPERATIVE TELEPHONE ASSOCI-  
ATION, INC., JOES, COLORADO, FOR AN  
ORDER APPROVING AND AUTHORIZING THE  
SALE BY N. E. SILVIUS AND GERALD D.  
SILVIUS, DOING BUSINESS AS ECKLEY  
TELEPHONE EXCHANGE OF CERTAIN OF  
SELLERS ASSETS TO APPLICANT; THE  
TRANSFER OF ANY EXISTING CERTIFICATE  
OF PUBLIC CONVENIENCE AND NECESSITY  
HELD BY SELLER TO APPLICANT AND THE  
EXTENSION OF THE CERTIFICATE OF PUB-  
LIC CONVENIENCE AND NECESSITY NOW  
HELD BY APPLICANT.

APPLICATION NO. 17492

January 11, 1960

Appearances: Albert W. Gebauer, Esq., Den-  
ver, Colorado, for Applicant  
and Transferor;  
Everett R. Thompson, Denver,  
Colorado, and  
Paul M. Brown, Denver, Colo-  
rado, for the Staff of the  
Commission.

S T A T E M E N T

By the Commission:

Applicant, by its present application filed November 4, 1959, seeks from this Commission an approval of the transfer to Applicant of certain assets of N E. Silvius, also known as Naoma E. Silvius, and Gerald D. Silvius, her husband, doing business as Eckley Telephone Exchange, hereinafter referred to as "Seller;" the transfer to it of any "grandfather rights" held by Seller, and for an extension of the certificate of convenience and necessity now held by Applicant granted by this Commission in its Decision No. 47275, of February 5, 1957.

The matter was set for hearing and was heard in Denver, Colorado, on Monday, November 23, 1959, at ten o'clock A. M., in the Com-

mission's Hearing Room, 330 State Office Building, Denver, Colorado, after due notice to all interested parties. At the conclusion thereof, the matter was taken under advisement by the Commission.

No petition of intervention was filed and no one appeared at the hearing in opposition to the authority sought by Applicant in this matter.

The Applicant, Plains Cooperative Telephone Association, Inc., is a corporation existing under and by virtue of the laws of the State of Colorado, operating as a not-for-profit corporation. Its Articles of Incorporation, as amended to date, have heretofore been filed with this Commission.

On December 30, 1957, a Deed and Bill of Sale was delivered to Applicant by Seller for the transfer to Applicant of a telephone system, and real property, serving the town of Eckley, Yuma County, Colorado, and parts of the rural area adjacent thereto. The assets acquired by Applicant consist substantially of telephone facilities used for providing telephone service to subscribers in the Eckley Telephone Exchange. Also, included in the Deed and Bill of Sale are authorizations, privileges and permits which may have been granted by any State as may have been held by the Seller.

Since December 30, 1957, Applicant has been operating the Eckley Exchange. The present service is provided by a magneto telephone system operated over a single wire ground return circuit. Applicant proposes, financed by a loan granted by the Rural Electrification Administration, to rebuild the system and convert it to dial operation and to provide service on a twenty-four hour daily basis. At the present time service is provided for a limited number of hours per day. In the event of emergencies, calls can be completed during the hours service is not normally available.

Applicant submitted as an exhibit the Deed and Bill of Sale for the purchase of the Eckley Exchange and then sought approval of

the Commissioners for the withdrawal of this executed exhibit and to substitute therefor a conformed copy. Approval was granted. Also submitted was a copy of Applicant's balance sheet at June 30, 1959 and its income statement for the nine months' period ending September 30, 1959. Late-filed exhibits furnished information on the number of subscribers and a pro forma income and expense statement on the basis of dial operation for the Eckley Exchange only. These exhibits disclose as of September 30, 1959, there were 78 subscribers and an additional 58 signed applications for telephone service upon conversion to dial operation. An estimated 18 more subscribers will be connected out of a potential of 96 establishments in the area not now receiving service. The pro forma operating statement indicates the Eckley Exchange will be on a comparable cost operating level with the existing dial exchanges of Applicant.

Two exhibits, one a written boundary description and the other a map of the area proposed to be served by the Eckley Exchange, show the area sought in the extension of the Applicant's existing certificates of public convenience and necessity. There are no other telephone companies providing service within the area sought by Applicant herein.

Applicant refers to its existing certificated area serving exchanges located at Seibert, Joes and Anton as its "A" Section and to the proposed Eckley Exchange area as its "B" Section. In the supplemental loan to be obtained from the Rural Electrification Administration, funds are available for the "A" Section to complete the original contemplated construction and to connect an additional 32 subscribers. The "B" Section will serve the subscribers referred to above in the Eckley Exchange for which the construction cost is estimated to be \$119,000, with approximately a per customer cost of \$700. This cost compares favorably with the existing cost in the "A" Section. The present customer owned switcher lines in the Eckley Exchange, having

no salvage value, are to be abandoned. This treatment of switcher lines has been agreed to by the subscribers.

A note in the amount of \$157,000 to provide funds for the construction of the dial system to the Eckley Exchange was executed November 6, 1959, and was offered as an exhibit. This amount is more than adequate to cover the present estimated cost for facilities of the Eckley Exchange. In the Eckley Exchange, Applicant has applied the rates now on file with this Commission by Eckley Telephone Exchange since its acquisition December 31, 1957, and will adopt these rates as their own until such time as the dial system is ready for operation. At this time the Company proposes to make effective the same rate levels for dial service as now exist in other exchanges.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That this Commission has jurisdiction of the Applicant, the Seller and the subject matter of the instant application.

That the above Statement, by reference, should be made a part of these Findings.

That the Commission is fully advised in the premises.

That the sale of the Eckley Telephone Exchange by N. E. Silvius, also known as Naoma E. Silvius, and Gerald D. Silvius, doing business as "Eckley Telephone Exchange," including facilities as set forth in the Deed and Bill of Sale, and such "grandfather rights" as may be held by Seller should be approved.

That the Plains Cooperative Telephone Association, Inc., Applicant herein, should be granted the additional territory requested, as set forth in Exhibits Nos. 4 and 5, within which it proposes to render telephone service to the public generally as well as to its members.

That the Applicant should adopt the rates, rules and regulations of the Eckley Telephone Exchange, pursuant to the rules of this



Commission, until such time as construction is completed and dial service is made available. Thirty days in advance of this time, Applicant should file rates proposed to be applicable in the Eckley Exchange in compliance with the Rules of Practice and Procedure as prescribed by this Commission.

That Applicant also should file, as a part of its tariff, a map showing the boundaries of the Eckley Exchange.

That Applicant should set up its books of accounts in the Eckley Exchange in accordance with the Uniform System of Accounts as prescribed by this Commission.

That the extension of its certificate of public convenience and necessity to incorporate the Eckley Exchange in its total area is consistent with Chapter 115, Colorado Revised Statutes 1953, and that its total area to be served, including the extension of the Eckley Exchange, should be as set forth in the Order to follow.

#### O R D E R

##### THE COMMISSION ORDERS:

That the sale of the Eckley Telephone Exchange by N. E. Silvius, also known as Naoma E. Silvius, and Gerald D. Silvius, as above described, hereby is, approved.

That the transfer of such "grandfather rights" as may have been held by Seller is hereby approved.

That the Plains Cooperative Telephone Association, Inc., is granted the extension of territory within which it proposes to render telephone service to the public generally as well as to its members and that the boundaries of the extension as incorporated with the boundaries of the area granted in Commission's Decision No. 47275, dated February 5, 1957, is as follows:

Beginning at the center of Section 34, Township 2-South, Range 54-West; thence South  $6\frac{1}{2}$  miles; thence West 3 miles; thence South  $5\frac{3}{4}$  miles; thence East  $12\frac{5}{8}$  miles; thence South  $4\frac{1}{4}$  miles; thence East  $4\frac{7}{8}$  miles; thence South 2 miles to the Southwest corner of Section 31, Township 5-South, Range 51-West; thence East 6 miles; thence North  $\frac{1}{4}$  mile; thence East  $4\frac{1}{2}$  miles; thence South  $27\frac{1}{4}$  miles; thence West  $2\frac{1}{4}$  miles; thence South 3 miles to the second correction line; thence West  $\frac{1}{8}$  mile; thence South 6 miles to the Southwest corner of Section 34, Township 11-South, Range 50-West; thence East  $17\frac{1}{2}$  miles; thence North 24 miles; thence East  $\frac{1}{2}$  mile; thence North 4 miles; thence East 6 miles; thence North 6 miles; thence East 2 miles; thence North 1 mile; thence East 4 miles; thence North  $\frac{1}{2}$  mile; thence East 2 miles; thence North approximately 1 mile to the South County line of Yuma County; thence West approximately  $\frac{1}{8}$  mile; thence North  $1\frac{3}{4}$  mile; thence East 1 mile; thence North  $2\frac{1}{4}$  miles; thence East  $1\frac{1}{2}$  miles; thence North  $\frac{1}{2}$  mile; thence West 5 miles; thence North  $3\frac{1}{2}$  miles; thence East 2 miles; thence North 11 miles; thence East 1 mile; thence North  $2\frac{1}{2}$  miles; thence West  $1\frac{1}{2}$  miles; thence North 5 miles; thence East  $1\frac{1}{2}$  miles; thence North 5 miles; thence West approximately  $\frac{3}{4}$  miles to the center of Section 29, Township 1 North, Range 45 West; thence North 8 miles; thence West 2 miles to the center of Section 13, Township 2 North, Range 46 West; thence North 14 miles to the North  $\frac{1}{4}$  corner of Section 1, Township 4 North, Range 46 West; thence West 2 miles; thence North  $1\frac{1}{2}$  miles; thence West approximately  $1\frac{1}{4}$  miles to the intersection with the common line if extended of Sections 4 and 5, Township 4 North, Range 46-West; thence South  $8\frac{1}{2}$  miles to the Northeast corner, Section 8, Township 3 North, Range 46-West; thence West  $1\frac{1}{2}$  miles; thence South 10 miles to the North  $\frac{1}{4}$  corner, Section 31, Township 2-North, Range 46-West; thence West  $1\frac{1}{2}$  miles; thence South  $7\frac{1}{2}$  miles; thence West 2 miles to the center of Section 3, Township 1 South, Range 47-West; thence South 5 miles; thence West 2 miles; thence South 4 miles; thence East 3 miles; thence South 7 miles; thence West 1 mile; thence South 2 miles; thence West 7 miles; thence North 2 miles; thence West 4 miles; thence North 3 miles; thence West  $3\frac{1}{2}$  miles; thence South  $\frac{1}{2}$  mile; thence West 4 miles; thence North  $\frac{1}{2}$  mile; thence West  $8\frac{1}{2}$  miles; thence North 1 mile; thence West 1 mile; thence North 2 miles; thence West 5 miles; thence South 3 miles; thence West 4 miles; thence North 2 miles; thence West 5 miles to the point of beginning,

and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That Applicant shall adopt the rates, rules and regulations of the Eckley Telephone Exchange pursuant to the rules of this Commission

until such time as construction is completed and dial service made available.

That Applicant shall thirty (30) days in advance of the time it proposes to establish dial service file rates proposed to be applicable in the Eckley Exchange in compliance with the Rules of Practice and Procedure as prescribed by this Commission.

That Applicant shall set up its books of accounts in the Eckley Exchange in accordance with the Uniform System of Accounts as prescribed by this Commission.

That this Order shall become effective twenty-one days from date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Joseph C. Holton*  
*Henry F. Zuley*  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of January, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
CITIZENS UTILITIES COMPANY, RIDGEWAY  
CENTER, STAMFORD, CONNECTICUT, AND  
LA JUNTA, COLORADO, FOR AUTHORITY TO  
AMEND RATE SCHEDULES ON LESS THAN  
THIRTY DAYS' NOTICE (STATUTORY  
NOTICE).

APPLICATION NO. 17566

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January 8, 1960  
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Appearances: Lawrence Thulemeyer, Esq.,  
La Junta, Colorado, for  
Applicant;  
E. B. Towey, Esq., Denver,  
Colorado, for the Ameri-  
can Crystal Sugar Com-  
pany;  
Everett R. Thompson, Den-  
ver, Colorado, and  
J. M. McNulty, Denver,  
Colorado, for the Staff  
of the Commission.

S T A T E M E N T

By the Commission:

On December 14, 1959, the Citizens Utilities Company filed its application proposing to amend its rate schedules on less-than thirty days' (statutory notice) to reduce the rates and charges for natural gas service supplied by Applicant to its customers.

After due notice to all interested parties, this matter was set for hearing by the Commission on Wednesday, December 30, 1959, at 9:30 o'clock A. M., in the Commission's Hearing Room, 330 State Office Building, Denver, Colorado. At the conclusion of the hearing on December 30, the Commission took the matter under advisement.

Citizens Utilities Company is a Delaware corporation, authorized to do business in the State of Colorado, and its Articles of Incorporation have heretofore been filed with this Commission. It is

a gas utility subject to the jurisdiction of this Commission having its main office at Stamford, Connecticut, and its local office at La Junta, Colorado. Applicant supplies service to various towns and communities in the Arkansas Valley extending from approximately Fowler on the west to Las Animas on the east.

By virtue of an order of this Commission in Application No. 15995, by Decision No. 49592, of February 3, 1958, Applicant was authorized, beginning on February 5, 1958, to increase its cost of gas to its customers. This increase in cost of gas was necessitated by an increase in cost in the wholesale cost of gas to Citizens by its supplier, Colorado Interstate Gas (Interstate), by virtue of a rate proceeding in Federal Power Commission Docket G-13541. On October 23, 1959, Interstate, its customers and certain intervenors, including this Commission, arrived at a stipulated agreement in Docket G-13541. This agreement was approved by the Federal Power Commission by its order of December 31, 1959. By virtue of this order and agreement, Interstate will refund certain overcharges for gas and will place into effect as of January 1, 1959, a reduced rate for gas to its general service (G-1) customers and to its pipeline general service customers (P-1). The order of the Federal Power Commission provides that within thirty days, Interstate will refund certain monies to its customers and after an audit of its books as of December 31, 1959, and a check of said audit by the Federal Power Commission, make additional refunds, if required, according to the stipulation agreement. Citizens proposes to refund to its customers, less the cost of said refund, all of the principal and interest which it receives from Interstate. The matter of this refund will be covered in Application No. 15995, previously referred to.

Interstate in Federal Power Commission Docket G-17616 was authorized by the Federal Power Commission to sell certain of its transmission facilities to Citizens and to also transfer to Citizens certain

direct sale customers served by Interstate. This transaction was completed and as a result, Citizens became eligible on June 15, 1959, to receive gas from Interstate under the P-1 rate. This was a reduction in the wholesale cost of gas to Citizens since prior to this time it had purchased its gas on the G-1 rate at a higher cost. With this acquisition, however, Citizens' investment in its plant and equipment was increased and certain operating expenses were increased by virtue of this transaction.

With the advent of the settlement of Federal Power Commission Docket G-13541, Citizens filed the instant application to pass on to its customers a reduction which it will receive by virtue of said settlement. However, because of the many factors affecting Citizens' operations by virtue of the acquisition of the transmission system from Interstate, it was not feasible to institute new rates in Application No. 15995.

At the hearing, the witness for Citizens testified that because of the reduced rates under the P-1 schedule and the settlement in Docket G-13541, together with other adjustments, the Company felt it necessary to make a complete new schedule of rates. It is anticipated that the new rates will be a reduction of approximately \$136,000 a year after reflecting pro forma adjustments for not only the decreased cost of gas, but also for increases in certain expenses for the test year. At the hearing, Applicant submitted Exhibit No. 1 showing a comparison of existing rates with the proposed new rates for all classes of customers served by Citizens. For residential and commercial customers, the reduction amounts to about 4.3¢ per MCF per month exclusive of the minimum charge.

The witness further testified that Citizens was anxious to place these rates into effect as soon as possible after January 1, 1960, in order to pass on to its customers the proposed reduction and



thereby eliminate the necessity at a later date for a possible refund. There was not sufficient time between the date of filing of the instant application and the date of hearing for the staff of this Commission to conduct an investigation into the rates and charges proposed herein. It was agreed at the hearing that if the Commission authorized the rates as proposed herein they would be in the nature of an interim rate pending investigation and further hearing. Citizens also agreed that in the event the interim rates prove to be excessive it would refund to the customers any overcharges as found by the Commission, together with interest at 6% for the period of time of the overcharges.

In view of the circumstances herein, we believe the rates as proposed by Citizens should be placed into effect in accordance with our Order to follow and subject to refund as outlined above. After the conclusion of the staff's investigation, this matter can be set for further hearing and a determination made at that time of the final rates. In the meantime, we believe that the customers of Citizens should be given the benefit of the reduction in rates.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the Commission has jurisdiction of Citizens Utilities Company and of the subject matter of the instant application.

That the Commission is fully advised in the premises.

That the rates as submitted herein by Applicant as set forth in Exhibit No. 1 should be approved as interim rates pending further hearing and final Order in this matter.

That in the event said interim rates should prove to be excessive, Citizens Utilities Company should be required to refund with interest at 6% any excess charge.

That Applicant should be permitted to file said interim rates proposed herein on not less-than one (1) day's notice to the public and

the Commission after the effective date of the Order herein.

O R D E R

THE COMMISSION ORDERS:

That Citizens Utilities Company be, and it hereby is, permitted to file interim rates as set forth on Exhibit No. 1, said rates to remain in full force and effect unless changed by further Order of this Commission.

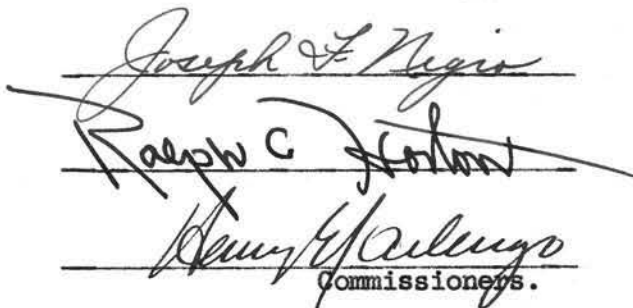
That said interim rates be permitted to become effective on not less than one (1) days' notice to the public and this Commission after the effective date of this Order.

That in the event said interim rates, after further hearing in this matter, are found to be excessive, Applicant shall be required to refund with interest at 6% the excess charges as found for the period of time involved.

That the Commission retain jurisdiction of this matter pending further hearing and Order by the Commission.

That this Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of January, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

(MRS.) ROSE DUCA, DOING BUSINESS AS, )  
"DUCA SAUSAGE KITCHEN", 1011 RUDD, )  
CANON CITY, COLORADO. )  
-----)

PERMIT NO. M-10006

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January 19, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from (Mrs.) Rose Duca,  
doing business as, "Duca Sausage Kitchen", Canon City, Colorado  
requesting that Permit No. M-10006 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10006, heretofore issued to (Mrs.) Rose Duca, doing  
business as, "Duca Sausage Kitchen", Canon City, Colorado be,  
and the same is hereby, declared cancelled effective December 1, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Samuel C. Horton  
Wm. E. Zalkow  
Commissioners

Dated at Denver, Colorado,

this 19th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
NEIL WARD SMITH, DOING BUSINESS AS, )  
"SMITTY'S SCRAP YARD", 3218 NORTH )  
ARCADIA, COLORADO SPRINGS, COLORADO. )  
----- )

PERMIT NO. M-627

-----  
January 19, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Neil Ward Smith,  
doing business as, "Smitty's Scrap Yard", Colorado Springs, Colorado  
requesting that Permit No. M-627 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-627, heretofore issued to Neil Ward Smith, doing  
business as, "Smitty's Scrap Yard", Colorado Springs, Colorado be,  
and the same is hereby, declared cancelled effective November 30, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Hobart  
Wm. E. Ziegler  
Commissioners

Dated at Denver, Colorado,

this 19th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
KNIGHTS' CORNER, INCORPORATED, 60TH )  
AND COLORADO BOULEVARD, DENVER 16, )  
COLORADO. )  
----- )

PERMIT NO. M-3711

-----  
January 19, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Knights' Corner, Inc.,  
Denver 16, Colorado  
requesting that Permit No. M-3711 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3711, heretofore issued to Knights' Corner, Inc.,  
Denver 16, Colorado be,  
and the same is hereby, declared cancelled effective January 3, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Samuel C. Gordon  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 19th day of January, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
MELVIN BONE, DOING BUSINESS AS, "S  
AND H PRODUCE", ROUTE 3, STERLING,  
COLORADO.  
-----

PERMIT NO. M-5056

-----  
January 19, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Melvin Bone, doing  
business as, "S and H Produce", Sterling, Colorado  
requesting that Permit No. M-5056 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5056, heretofore issued to Melvin Bone, doing  
business as, "S and H Produce", Sterling, Colorado be,  
and the same is hereby, declared cancelled effective January 1, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Norton  
Wm. E. Zwick  
Commissioners

Dated at Denver, Colorado,

this 19th day of January, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
R. W. DINKMEYER, DOING BUSINESS AS, )  
"R. W. DINKMEYER GOLDEN ICE", ROUTE )  
1 BOX 239, GOLDEN, COLORADO. )  
----- )

PERMIT NO. M-7678

-----  
January 19, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from R. W. Dinkmeyer,  
dba "R. W. Dinkmeyer Golden Ice", Golden, Colorado  
requesting that Permit No. M-7678 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7678, heretofore issued to R. W. Dinkmeyer,  
dba "R. W. Dinkmeyer Golden Ice", Golden, Colorado be,  
and the same is hereby, declared cancelled effective January 4, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Francis C. Hodson  
Henry E. Zurling  
Commissioners

Dated at Denver, Colorado,

this 19th day of January, 195 60.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

GERALD KLUGE, DOING BUSINESS AS,  
"ETSCO TELEVISION COMPANY", 2785  
WASHINGTON, REDWOOD CITY, CALIFORNIA.)

PERMIT NO. M-8944

January 20, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Gerald Kluge, dba  
"Etsco Television Company", Redwood City, California  
requesting that Permit No. M-8944 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8944, heretofore issued to Gerald Kluge, dba  
"Etsco Television Company", Redwood City, California be,  
and the same is hereby, declared cancelled effective December 28, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
George C. Horton  
Wm. E. Zuley  
Commissioners

Dated at Denver, Colorado,

this 20th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

J. C. SULLIVAN, 1418 ST. LOUIS  
STREET, DALLAS, TEXAS.

PERMIT NO. M-10272

January 20, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from J. C. Sullivan,  
Dallas, Texas  
requesting that Permit No. M-10272 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10272, heretofore issued to J. C. Sullivan,  
Dallas, Texas be,  
and the same is hereby, declared cancelled effective January 21, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Norton  
Wm. E. Zurlungo  
Commissioners

Dated at Denver, Colorado,

this 20th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
J. I. KITCH, 767 TAYLOR STREET,  
CRAIG, COLORADO.

PERMIT NO. M-10821

January 20, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from J. I. Kitch,  
Craig, Colorado  
requesting that Permit No. M-10821 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10821, heretofore issued to J. I. Kitch,  
Craig, Colorado be,  
and the same is hereby, declared cancelled effective January 2, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Francis C. Gordon  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,  
this 20th day of January, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
MESA VERDE ENTERPRISES, INCORPORATED, )  
POINT LOOKOUT, MANCOS, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-12571

\_\_\_\_\_  
January 20, 1960  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Mesa Verde Enterprises,  
Inc., Mancos, Colorado  
requesting that Permit No. M-12571 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12571, heretofore issued to Mesa Verde Enterprises,  
Inc., Mancos, Colorado be,  
and the same is hereby, declared cancelled effective December 1, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Samuel C. Hobart  
Wm. E. Zink  
Commissioners

Dated at Denver, Colorado,

this 20th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
FLAIR ROWLAND, DOING BUSINESS AS, )  
"ROWLAND WATER SERVICE", 218 )  
PATTERSON BUILDING, DENVER 2, )  
COLORADO. )  
-----)

PERMIT NO. M-13995

-----  
January 20, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Flair Rowland,  
doing business as, "Rowland Water Service", Denver 2, Colorado  
requesting that Permit No. M-13995 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13995, heretofore issued to Flair Rowland, doing  
business as, "Rowland Water Service", Denver 2, Colorado be,  
and the same is hereby, declared cancelled effective December 31, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Horton  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 20th day of D January, 19560.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

RALPH BEVELHIMER, 709 COLUMBINE  
STREET, STERLING, COLORADO.

PERMIT NO. M-15918

January 20, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ralph Bevelhimer,  
Sterling, Colorado  
requesting that Permit No. M-15918 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15918, heretofore issued to Ralph Bevelhimer,  
Sterling, Colorado be,  
and the same is hereby, declared cancelled effective November 29, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Wm. E. Zallinger  
Commissioners

Dated at Denver, Colorado,

this 20th day of January, 1960

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
DOYCE THOMAS WEBB AND J. D. ROLAND, )  
DOING BUSINESS AS, "FARMER'S PRODUCE )  
MARKET", 1718 EAST 10TH STREET, )  
AMARILLO, TEXAS. )  
-----)

PERMIT NO. M-15931

-----  
January 20, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Doyce Thomas Webb and  
J. D. Roland, dba "Farmer's Produce Market", Amarillo, Texas  
requesting that Permit No. M-15931 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15931, heretofore issued to Doyce Thomas Webb and  
J. D. Roland, dba "Farmer's Produce Market", Amarillo, Texas be,  
and the same is hereby, declared cancelled effective May 26, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Horton  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 20th day of January, 19560.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

VANCE J. KINAHAN AND HOWARD E.  
CANNIS, DOING BUSINESS AS, "VAN HOWE  
CERAMIC SUPPLY COMPANY", 1238 SOUTH  
BROADWAY, DENVER 10, COLORADO.)

PERMIT NO. M-13215

January 20, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Vance J. Kinahan and  
Howard E. Canniss, dba "Van Howe Ceramic Supply Company", Denver 10, Colorado  
requesting that Permit No. M-13215 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13215, heretofore issued to Vance J. Kinahan and  
Howard E. Canniss, dba "Van Howe Ceramic Supply Company", Denver 10, Colorado be,  
and the same is hereby, declared cancelled effective January 8, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Norton  
Wm. E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 20th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

PHILLIP SANCHEZ, P. O. BOX 323,  
MONTE VISTA, COLORADO.

PERMIT NO. M-553

January 20, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Phillip Sanchez,  
Monte Vista, Colorado  
requesting that Permit No. M-553 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-553, heretofore issued to Phillip Sanchez,  
Monte Vista, Colorado be,  
and the same is hereby, declared cancelled effective December 24, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Norton  
Commissioners

Dated at Denver, Colorado,

this 20th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

A. J. RUDOLPH, 1967 SOUTH ZUNI  
STREET, DENVER 23, COLORADO.

PERMIT NO. M-8601

January 20, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from R. J. Rudolph,

Denver 23, Colorado

requesting that Permit No. M-8601 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8601, heretofore issued to R. J. Rudolph,

Denver 23, Colorado be,

and the same is hereby, declared cancelled effective January 7, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Wm. E. Ziegler  
Commissioners

Dated at Denver, Colorado,

this 20th day of January, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
L. D. HALE, DOING BUSINESS AS, "HALE )  
COAL COMPANY", 2106 ARMSTRONG AVENUE, )  
COLORADO SPRINGS, COLORADO. )  
----- )

PERMIT NO. M-1407

-----  
January 21, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from L. D. Hale, doing  
business as, "Hale Coal Company", Colorado Springs, Colorado  
requesting that Permit No. M-1407 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1407, heretofore issued to L. D. Hale, doing  
business as, "Hale Coal Company", Colorado Springs, Colorado be,  
and the same is hereby, declared cancelled effective January 7, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Samuel C. Horton  
Henry E. Zurlings  
Commissioners

Dated at Denver, Colorado,

this 21st day of January, 1960.



\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
L. D. HALE, DOING BUSINESS AS, )  
"HALE COAL COMPANY", 2106 )  
ARMSTRONG AVENUE, COLORADO )  
SPRINGS, COLORADO. )  
-----

PERMIT NO. B-5124

-----  
January 21, 1960  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-5124 be suspended for six months from January 7, 1960.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That L. D. Hale, dba "Hale Coal Company", Colorado Springs, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-5124 until July 7, 1960.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to re-instate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Tigro  
Garth C. Horton  
Henry E. Zerkow  
Commissioners

Dated at Denver, Colorado,  
this 21st day of January, 19 60.

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
EDWARD D. SHAULIS, 1518 )  
SANTIAGO, FARMINGTON, NEW )  
MEXICO. )  
-----

PERMIT NO. B-2977 & I

-----  
January 21, 1960  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-2977 & I be suspended for six months from December 31, 1959.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Edward D. Shaulis, Farmington, New Mexico

be, and is hereby, authorized to suspend his operations under Permit No. B-2977 & I until June 30, 1960.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to re-instate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Frank C. Weston  
Henry C. Zoullinger  
Commissioners

Dated at Denver, Colorado,  
this 21st day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CHARLES C. GOATS, STAR ROUTE, TEXLINE )  
TEXAS. )  
\_\_\_\_\_ )

PERMIT NO. M-4240

\_\_\_\_\_  
January 21, 1960  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Charles C. Goats,  
Texline, Texas  
requesting that Permit No. M-4210 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4210, heretofore issued to Charles C. Goats,  
Texline, Texas be,  
and the same is hereby, declared cancelled effective December 19, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Horton  
Henry E. Zuckers  
Commissioners

Dated at Denver, Colorado,  
this 21st day of January, 195 60.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
LOUIS SCOTT, 858 GALAPAGO STREET, )  
DENVER 4, COLORADO. )

PERMIT NO. B-4682

January 21, 1960

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Louis Scott.

Denver 4, Colorado

requesting that Permit No. B-4682 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. B-4682, heretofore issued to Louis Scott,

Denver 4, Colorado

be,

and the same is hereby, declared cancelled effective December 17, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
 Ralph C. Norton  
 Commissioners

Dated at Denver, Colorado,

this 21st day of January, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ALAMO HOTEL-MONARCH SERVICE, )  
125 SOUTH TEJON STREET, COLO- )  
RADO SPRINGS, COLORADO. )  
-----

PUC NO. 102

-----  
January 4, 1960  
-----

Appearances: Karl R. Ross, Esq., Colorado  
Springs, Colorado, for  
Alamo Hotel-Monarch Service.

S T A T E M E N T

By the Commission:

The Commission, on February 25, 1959, entered its Decision No. 51777, authorizing suspension of operations under PUC No. 102 until December 31, 1959.

The Commission is now in receipt of a communication from Karl R. Ross, Attorney, on behalf of Alamo Hotel-Monarch Service, requesting authority to further suspend operations under said PUC No. 102 for the calendar Year 1960.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R


THE COMMISSION ORDERS:

That Alamo Hotel-Monarch Service, Colorado Springs, Colorado, be, and hereby is, authorized to further suspend operations under PUC, No. 102 for the calendar Year 1960.

That unless said certificate-holder shall, prior to expiration of said suspension period, make a request, in writing, for reinstatement of said certificate, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to common

carrier certificates, said certificate, without further action by the Commission, shall stand revoked, without right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Joseph F. Nigro  
Ralph C. Holman  
Alvin G. Paulings  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of January, 1960.

mls



original

(Decision No. 53657)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DONALD E. HARTLEY, 4055 WEST 78TH )  
AVENUE, WESTMINSTER, COLORADO, FOR )  
A CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 17324-PP-Amended  
SUPPLEMENTAL ORDER

-----  
January 5, 1960  
-----

Appearances: Donald E. Hartley, West-  
minster, Colorado, pro  
se;  
R. E. Turano, Denver,  
Colorado, and  
T. A. White, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc., Larson  
Transportation Company.

S T A T E M E N T

By the Commission:

On December 4, 1959, the Commission entered its Decision No. 53478 in the above-styled application, authorizing operation as a private carrier by motor vehicle for hire.

On December 10, 1959, "Petition for Rehearing" was filed herein by applicant, and on December 17, 1959, the Commission entered its Decision No. 53536, granting said Petition for Rehearing.

Rehearing of the above-styled application was regularly held on December 29, 1959, and on January 5, 1960, the Commission entered its Decision No. 53605, granting to applicant herein a Class "B" permit to operate as a private carrier by motor vehicle for hire.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is made a part of these Findings, by reference.

That Decision No. 53478 should be vacated, set aside, and held for naught, inasmuch as said Decision has been superseded by Decision No. 53605.


O R D E R

THE COMMISSION ORDERS:

That Decision No. 53478, of date December 4, 1959, be, and the same hereby is, vacated, set aside, and held for naught, said Decision No. 53478 having been superseded by Decision No. 53605, of date January 5, 1960.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Joseph F. Nigro  
Ralph C. Holman  
Henry G. Spilhaus  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of January, 1960.

mls

original

(Decision No. 53658)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF: }  
RALPH RICHARDS, ROUTE 1, BRIGGS- }  
DALE, COLORADO, }  
GORDON CASS AND NEIL CASS, }  
ROUTE 1, BRIGGS DALE, COLORADO. }  
-----

PUC NO. 3267  
CASE 91868-INS.

-----  
January 6, 1960  
-----

S T A T E M E N T

By the Commission:

Heretofore, this Commission authorized transfer of PUC No. 3267 from Gordon Cass and Neil Cass, Briggsdale, Colorado, to Ralph Richards, Briggsdale, Colorado.

By Decision No. 53609, entered by the Commission on this date, in Application No. 17537-Transfer, the Commission authorized transfer of said PUC No. 3267 from Ralph Richards, Briggsdale, Colorado, to Gordon Cass and Neil Cass, co-partners, Briggsdale, Colorado.

It appears that said Ralph Richards failed to keep effective insurance on file with the Commission covering operations under PUC No. 3267 during the period said certificate was held by him, and the Commission, in Case No. 91868-Ins., entered its Order, revoking said operating rights for failure of said certificate-holder to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made with the Commission covering operations under PUC No. 3267 by Gordon Cass and Neil Cass, the new owners and operators thereof.

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That PUC No. 3267 be, and the same hereby is, reinstated, as of the date of this Order, revocation Order entered by the Commission in Case No. 91868-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



*Joseph F. Regio*  
*Reynold C. Hobart*  
*Chas. H. Sullivan*  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of January, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GREELEY GAS COMPANY, 1930 SHERMAN )  
STREET, DENVER, COLORADO, FOR AN )  
ORDER AUTHORIZING IT TO PUT INTO )  
EFFECT A REDUCED GAS RATE. )  
-----

APPLICATION NO. 16041  
SUPPLEMENTAL ORDER

-----  
January 11, 1960  
-----

Appearances: Lee, Bryans, Kelly & Stansfield,  
Esqs., Denver, Colorado, by  
E. A. Stansfield, Esq., Denver,  
Colorado, for Applicant;  
Everett R. Thompson, Denver,  
Colorado, and  
J. M. McNulty, Denver, Colorado,  
for the Staff of the Commission.

S T A T E M E N T

By the Commission:

Under the above-numbered application, Greeley Gas Company, by Decision No. 49594, under date of February 3, 1958, was authorized by this Commission to place into effect a temporary rider on its gas rates increasing the cost of gas to its customers. This temporary increase was necessary because of an increase in the wholesale cost of gas to the Greeley Gas Company by its suppliers, Colorado Interstate Gas Company and Colorado-Wyoming Gas Company.

On December 31, 1959, the Federal Power Commission issued its Order in Docket G-13541, in the matter of Colorado Interstate Gas Company, approving a proposed settlement and prescribing refunds. The settlement approved by the Federal Power Commission was the result of a stipulation agreement by Colorado Interstate Gas with its retail customers and certain other intervenors, including representatives of this Commission. As a result of this settlement, Colorado Interstate Gas will refund to its customers certain monies, the exact amount of which

cannot be determined until an audit is made of the books as of December 31, 1959, which audit is subject to check by the Federal Power Commission. According to the terms of the Federal Power Commission order, Colorado Interstate will refund certain monies within thirty days to its customers and the balance, if any, after the audit and check. The settlement agreement also provides for a rate to be charged by Colorado Interstate Gas effective as of January 1, 1959, as the basis of settlement. This rate will remain in effect until superseded in the prescribed manner under the terms of the Natural Gas Act.

Prior to the settlement agreed to, Colorado Interstate Gas, on September 28, 1959, filed with the Federal Power Commission a proposed new gas tariff and requesting an effective date of October 31, 1959. This proposed tariff changed Colorado Interstate Gas Company's G-1 and P-1 rate schedules to a standard form of contract demand and also provided for an SG gas rate schedule for small distributing companies and reduced the rates and charges approximately \$4,500,000 per year below the rates being charged in Docket G-13541. At the conclusion of the settlement conference on October 23, 1959, Colorado Interstate Gas agreed to file the rates agreed upon in the settlement, to be effective on January 1, 1959. This filing was made on December 16, 1959, and the rates, together with the settlement were approved by the Federal Power Commission by its Order of December 31, 1959. On December 21, 1959, Colorado Interstate Gas filed revised tariff sheets to its September 28, 1959, filing, re-stating the settlement rates on an equivalent basis to the contract demand form. The Federal Power Commission in a separate order, Docket G-20521, has suspended the revised tariff sheets of the equivalent rate in the contract demand tariff to June 1, 1960. As a result, the agreed upon settlement rate effective January 1, 1959, remains in effect until superseded by the new contract demand rate filing.



Colorado-Wyoming Gas Company also supplies gas to the Greeley Gas Company for resale in Weld County. Federal Power Commission Docket G-13577 of the Colorado-Wyoming Gas Company increasing the cost of gas to the Greeley Gas Company has not yet been settled and, therefore, no refund at this time will apply to the Weld County customers of Greeley Gas Company. All of the refunds from the settlement of the Colorado Interstate Gas rate in Docket G-13541 apply to the Fremont County division of the Greeley Gas Company.

The Commission set the matter of the reduced rates and refund for hearing after due notice to all interested parties, on December 29, 1959, at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado. At said time and place this matter was heard and at the conclusion of the hearing, it was taken under advisement by the Commission.

The witness for Applicant testified at the hearing that the Greeley Gas Company intended to refund to its customers all the money it will receive from Colorado Interstate Gas, both principal and interest, less the cost of the refund. However, because of the delay anticipated between the final audit of Colorado Interstate and the check of the audit by the staff of the Federal Power Commission, the Greeley Gas Company proposes to wait until the final settlement of not only the Colorado Interstate Gas refund in Federal Power Commission Docket G-13541, but also the contemplated settlement and refund in Colorado-Wyoming Federal Power Commission Docket G-13577. It will be less expensive if one refund is made embracing both matters rather than to refund piecemeal as such refunds are received from the wholesale suppliers. Colorado-Wyoming Docket G-13577 is in effect a companion application to G-13541 of Colorado Interstate Gas since it was predicated upon the increased cost of gas to Colorado-Wyoming by Colorado Interstate Gas. While no definite time can be determined

now as to a settlement in Docket G-13577, it is conceivable that a refund from Colorado-Wyoming might be ready by the time the final audit and refund is made by Colorado Interstate Gas.

The Greeley Gas Company plans to submit to this Commission at a later date a refund plan for its approval. This refund plan as now contemplated will be quite similar to the plan submitted by this Company in a settlement of the prior rate increases in Federal Power Commission Dockets G-2260, G-2576, G-11717 of Colorado Interstate Gas and of Federal Power Commission Docket G-2261, G-2720 and G-11848 of Colorado-Wyoming Gas. Pending the approval of the refund plan and the actual refund of the monies to its customers, Greeley Gas Company will invest any monies it receives from its wholesale suppliers in short-term treasury bills or notes and will also credit the interest on said investments to the amount to be refunded.

As has been stated previously, as a result of the settlement of Docket G-13541, the wholesale rate that Colorado Interstate Gas will charge its customers has been agreed upon. Prior to this time, it has not been possible for the Greeley Gas Company to reduce any of the temporary gas riders in its tariffs filed with this Commission. However, Greeley Gas Company can at this time calculate the effect of the settlement rate of its wholesale supplier upon its retail rates. The witness at the hearing submitted Exhibits Nos. 1, 2 and 3 and testified that based on the settlement rate and the volumes of gas for the twelve months' period ending November, 1959, the Company proposed to file a negative rider decreasing the cost of gas to its residential and commercial customers by an amount of 7.286¢ per MCF per month and 1.687¢ per MCF per month to its interruptible customers. The settlement rate as approved was effective January 1, 1959, and therefore, Colorado Interstate Gas can render bills to its customers under the settlement rate as soon as said bills can be prepared. The settlement rate can, therefore, be applied by Colorado Interstate Gas to any unbilled and unpaid

for gas subsequent to December 31, 1959, the date of the Federal Power Commission order approving the settlement. It is expedient therefore, that this Commission approve the so-called "negative rider" proposed by Greeley Gas in order that the reduced cost of wholesale gas will be passed on to the ultimate consumers as quickly as possible so as to more nearly coincide with the reduced billing by Colorado Interstate Gas.

If the approval sought herein is granted, Greeley Gas proposes to file the negative rider as a part of its gas tariffs applying to the Fremont County division and to notify its industrial contract customers by letter, which was the procedure it followed in applying the temporary riders increasing the cost of gas in the first instance. At such time as all of the rate matters still pending have been finally settled, Greeley Gas Company proposes to file new tariffs establishing base rates thereby eliminating the necessity for the riders, both positive and negative.

Greeley Gas Company in its Fremont County area has cyclical billing, i. e., it is continually reading meters and billing customers and, therefore no one effective date for the negative rider will necessarily cover the full period of time for Applicant's reduced wholesale rate. However, any slight difference in the timing for any particular customers can be accounted for in Applicant's plan of refund and, therefore, no customer will be adversely affected.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the Commission has jurisdiction of the instant matter, and of the Applicant herein.

That the Commission is fully informed in the matter.

That the Greeley Gas Company should be permitted to file a negative rider reducing the cost of gas to its customers in the amount of 7.286¢ per MCF for firm gas and 1.687¢ per MCF for interruptible gas

in accordance with our order to follow.

That Greeley Gas Company should submit a plan to this Commission covering the refunds contemplated herein and obtain approval thereof prior to making said refunds.

That as to any monies received by Greeley Gas Company as a result of the settlement of Federal Power Commission Docket G-13541, said monies shall be invested in short-term treasury bills or notes until such time as the refund is made to its customers.

That the interest to be received by Greeley Gas Company from the treasury bills or notes referred to above be credited to the amount to be refunded and so stated in the "plan or refund" to be submitted by Applicant herein.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Greeley Gas Company, Denver, Colorado, be, and it hereby is, authorized to file on not less than one day's notice after the effective date of the Order herein a "negative rider" to its gas tariffs pertaining to the sale of gas in Fremont County reducing the cost of gas to its customers in the amount of 7.286¢ per MCF for firm gas and by "letter supplement" a reduction in the amount of 1.687¢ per MCF for interruptible gas sold under its filed contracts.

That Applicant shall prepare and submit to this Commission for its approval a "plan of refund" showing the manner and method which it proposes for refunding the monies which it will receive from its wholesale suppliers as a result of the settlement of Dockets G-13541, and G-13577.

That as to any monies received as a refund from its wholesale suppliers, Greeley Gas Company, shall invest said monies in short-term treasury notes or bills until the refund is made.

That Greeley Gas Company credit the amount of interest received as a result of its short-term investments in treasury bills or

notes to the amount to be refunded to its customers.

That this Commission retain jurisdiction of this matter to make such further Order or Orders as may be necessary in the premises.

That this Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nizio  
Ralph C. Hobart  
Henry G. Adams  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of January, 1960.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
THE CITY OF COLORADO SPRINGS, DE- )	
PARTMENT OF PUBLIC UTILITIES, COLO- )	
RADO SPRINGS, COLORADO, FOR AN ORDER )	APPLICATION NO. 15990
AUTHORIZING IT TO PUT INTO EFFECT A )	<u>SUPPLEMENTAL ORDER</u>
REDUCED GAS RATE. )	
----- )	

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January 11, 1960  
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Appearances: F. T. Henry, Esq.,  
Colorado Springs, Colorado,  
and  
Louis Johnson, Esq., Colorado  
Springs, Colorado, for the  
City of Colorado Springs;  
Everett R. Thompson, Denver,  
Colorado, and  
J. M. McNulty, Denver, Colo-  
rado, for the Staff of  
the Commission.

S T A T E M E N T

By the Commission:

Under the above-numbered application, the Commission, by Decision No. 49593, of date February 3, 1958, authorized the Department of Public Utilities of the City of Colorado Springs to place in its gas tariffs certain riders increasing the cost of gas resulting from an increased cost of gas to the City by its wholesale supplier, the Colorado Interstate Gas Company, in Federal Power Commission Docket No. G-13541. By this same order, this Commission retained jurisdiction of this matter to make final disposition at the time Federal Power Commission Docket No. G-13541 would be settled.

Colorado Interstate Gas and all interested parties in Docket No. G-13541 agreed upon a settlement in said docket and the Federal Power Commission by order dated December 31, 1959, approved the settlement. As a result of this settlement, certain monies will be refunded to all of the customers of Colorado Interstate Gas including



the Department of Public Utilities for the City of Colorado Springs. Within thirty days of the settlement, Colorado Interstate Gas will refund certain amounts to its customers, together with interest at 6% and after closing of its books on December 31, 1959, it will have an audit made in accordance with the terms of the settlement. After the audit has been made and checked by the staff of the Federal Power Commission, certain additional sums may be subject to refund. Also, under the terms of the settlement, the rates that Colorado Interstate Gas would charge for the future were agreed upon. By order of the Federal Power Commission, previously referred to, the rate under which the City of Colorado Springs purchases its gas for resale was permitted to become effective on January 1, 1959. Colorado Interstate Gas therefore will bill its customers under the agreed upon settlement rates as soon as it can possibly do so.

With the settlement in Docket G-13541, the last remaining rate case of Colorado Interstate Gas Company pending before the Federal Power Commission has been settled. Previous rate filings in Dockets G-2260, 2576 and G-11717 have been settled and refunds have been made. The Department of Public Utilities of the City of Colorado Springs did not pass on to its customers any increases in the cost of gas resulting from Dockets G-2260 and G-2576. However, at the time the rate filing in Docket G-11717 became effective, this Commission, in Investigation and Suspension Docket No. 405 authorized the City to pass on the increased cost of gas to its customers outside of the City limits of Colorado Springs. This Commission has no jurisdiction over the rates charged by the City within the city limits. Also, at the time the City received an increase in its cost of gas by virtue of Docket G-13541 of Colorado Interstate Gas, the Commission in Application No. 15990 permitted the City to pass on this increase to its customers outside the city limits. There is, therefore, in effect in the tariffs of Colorado Springs for the customers outside of the city limits two separate temporary riders increasing the cost of gas.

A hearing was held in the Commission's Hearing Room at Denver, Colorado, on December 29, 1959, in regard to the removal of these two temporary riders as a result of the settlement of the last Colorado Interstate Gas rate increase. At the hearing, the witness for the City testified that the City proposed to remove all of the temporary riders presently effective in its tariffs and to thereby return to the rates that were in effect prior to the increase caused by Docket G-11717. The wholesale rate being charged Colorado Springs by Colorado Interstate Gas at that time for its firm gas amounted to \$1.54 per MCF of demand, and 19.5¢ per MCF of commodity gas. By the removal of the two temporary riders from the City's residential and commercial tariffs, amounting in the aggregate to 4.75¢ per MCF commodity, the retail rates of the City will be returned to the same status that they were prior to the increase under Docket G-11717. The settlement rate agreed upon amounts to \$1.50 per MCF of demand and 18.5¢ per MCF of commodity. This rate is slightly lower than the wholesale rate effective prior to G-11717. Exhibits and testimony submitted at the hearing revealed that on that portion of its operation outside the municipal boundary, the City would be earning 5.64% after adjusting for both the wholesale settlement rate from Colorado Interstate Gas and the retail rate of the City without the temporary riders.

The witness further testified that the City Council had passed a resolution eliminating the temporary riders within the City limits and therefore, if this Commission approved the elimination of the riders outside the City limits, the gas rates would be uniform both inside and outside the City. The City also proposed at the time that it has received all of the monies from its supplier, due under the refund, to return all of this amount to its customers. As to any amounts of money received initially, the City plans to invest it in short-term government securities until such time as the refund would be made. Interest from the short-term securities would be credited to the refund and the cost of the refund in turn would be subtracted from the interest component of the refund.

The City proposes to employ an independent agency to prepare and process the customer refunds. This procedure will be similar to that employed on the prior refund just completed involving Dockets G-2260, G-2576 and G-11717.

We believe that the City should submit this plan of refund to the Commission for its approval prior to making the refund. If there is an interval of time between the effective date of the reduction of wholesale cost of gas to the City and the effective date of the City's reduction in its resale rates, this matter can be handled in the refund plan in an equitable manner.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the Commission has jurisdiction of the instant matter and of the Applicant herein.

That the Commission is fully advised in the premises.

That the Department of Public Utilities of the City of Colorado Springs should be authorized to file a rate sheet cancelling all of the temporary riders presently effective in its tariff.

That at such time as the City has prepared its plan of refund it should submit said plan to this Commission for its approval.

That the rate sheets to be filed cancelling the temporary riders should be filed on not less than one (1) day's notice to the public and the Commission after the effective date of the Order herein.

### O R D E R

#### THE COMMISSION ORDERS:

That the Department of Public Utilities of the City of Colorado Springs be, and it hereby is, authorized to file rate sheets cancelling all of the temporary riders presently in effect in its gas tariff.

That these rate sheets be permitted to become effective on not less than one (1) day's notice to the public and this Commission after the effective date of the Order herein.

That the Applicant should file its plan of refund with this Commission prior to instigating said plan and receive approval thereof.

That this Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Regio  
Ralph G. Hoban  
Henry E. Mullins  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of January, 1960.

ea

original

(Decision No. 53661)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
W. B. DAVIS, DOING BUSINESS AS )  
"RIFLE CAB SERVICE," P. O. BOX )  
272, RIFLE, COLORADO. )  
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PUC NO. 1787

-----  
January 11, 1960  
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S T A T E M E N T

By the Commission:

On January 21, 1959, the Commission entered its Decision No. 51611, authorizing the above-styled certificate-holder to suspend operations under PUC No. 1787 until July 15, 1959.

On July 8, 1959, the Commission entered its Decision No. 52657, authorizing said above-styled certificate-holder to further suspend operations under said PUC No. 1787 until January 15, 1960.

The Commission is now in receipt of a communication from said certificate-holder, requesting authority to further suspend operations under PUC No. 1787 for an additional period of three months from January 15, 1960.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That W. B. Davis, doing business as "Rifle Cab Service," Rifle, Colorado, be, and he hereby is, authorized to further suspend operations under PUC No. 1787 until April 15, 1960.

That unless said certificate-holder shall, prior to expiration of said suspension period, make request, in writing, for reinstatement of said operating rights, file insurance, and otherwise

comply with all rules and regulations of this Commission applicable to common carrier authorities, said certificate, without further action by the Commission, shall stand revoked, without right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Henry J. Phillips  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of January, 1960.

mls



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ARTHUR L. BUTT, P. O. BOX 233, )  
WALSH, COLORADO, FOR AUTHORITY TO ) APPLICATION NO. 17525-Transfer  
TRANSFER PUC NO. 1478 TO J. B. COG- )  
BURN, WALSH, COLORADO. )  
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January 12, 1960  
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Appearances: Arthur L. Butt, Walsh,  
Colorado, pro se;  
J. B. Cogburn, Walsh,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, Arthur L. Butt, Walsh, Colorado, was granted a  
certificate of public convenience and necessity (PUC No. 1478), author-  
izing operation as a common carrier by motor vehicle for hire, for the  
transportation of:

farm products, including livestock, used farm  
machinery, rock, sand, and other building  
materials, between points within the area ex-  
tending to the Colorado-Kansas State Line on  
the east, the Colorado-Oklahoma State Line on  
the south, the Baca-Prowers County Line on the  
north, and a line drawn north and south through  
a point ten miles west of Walsh, Colorado, on  
the west, and the transportation of buildings  
between points in Baca County.

By the above-styled application, said certificate-holder  
seeks authority to transfer said PUC No. 1478 to J. B. Cogburn, Walsh,  
Colorado.

Said application was regularly set for hearing before the Com-  
mission, at the Court House, La Junta, Colorado, December 10, 1959, at  
ten o'clock A. M., due notice thereof being forwarded to all parties in  
interest.

On December 8, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, Arthur L. Butt, Transferor herein, appeared and testified in support of the application, stating he has been operating under PUC No. 1478 since granted by this Commission; that the consideration for transfer of said operating rights is the sum of \$1,000, Contract of Sale being on file with the Commission; that there are no outstanding unpaid operating obligations against said certificate.

Report of said Examiner further states that J. B. Cogburn, Transferee herein, also appeared at the hearing and testified the consideration for transfer of PUC No. 1478 to him is the sum of \$1,000; that he has had operating experience; that he has sufficient equipment with which to carry on operations under said certificate; that he has a net worth of \$66,950, financial statement being on file with the Commission.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of transferee were established to the satisfaction of the Commission.

Report of the Examiner recommends that authority herein sought be granted.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred

to therein should be approved.

That the proposed transfer is compatible with the public interest and should be authorized, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings be, and the same hereby is, approved.

That Arthur L. Butt, Walsh, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1478 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to J. B. Cogburn, Walsh, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The tariff of rates, rules, and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if

any, covering operations under said certificate up to the time of transfer of said certificate.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Regio  
Rueph C. Hobart  
Henry S. Phillips  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of January, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN S. GRIFFITH, DOING BUSINESS AS )  
"ACE CAB COMPANY," 176 NORTH COL- )  
LEGE AVENUE, FORT COLLINS, COLORADO, )  
AND ROUTE 2, BOX 54-B, FORT COLLINS, )  
COLORADO, FOR AUTHORITY TO TRANSFER ) APPLICATION NO. 17536-Transfer  
PUC NO. 376 TO THELMA G. GRIFFITH )  
AND STANLEY E. GRIFFITH, CO-PARTNERS, )  
DOING BUSINESS AS "ACE CAB COMPANY," )  
176 NORTH COLLEGE AVENUE, FORT COL- )  
LINS, COLORADO, AND ROUTE 2, BOX )  
54-B, FORT COLLINS, COLORADO. )  
-----)

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January 12, 1960  
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Appearances: Alden T. Hill, Esq.,  
Fort Collins, Colorado,  
for Applicants.

S T A T E M E N T

By the Commission:

Heretofore, John S. Griffith, doing business as "Ace Cab Company," Fort Collins, Colorado, was granted a certificate of public convenience and necessity (PUC No. 376), authorizing operation as a common carrier by motor vehicle for hire, on call and demand, for the transportation of:

passengers, in and out of Fort Collins, Colorado, subject to the following conditions:

- (a) the radius of taxi operations shall not exceed seventy-five miles;
- (b) no sightseeing operations shall be conducted except to those points named in the tariff to be kept on file with the Commission;
- (c) rates shall, on all trips made to points having regular service -- whether by rail or motor vehicle -- be thirty-three and one-third percent greater per passenger than effective rates of scheduled carriers;
- (d) none of such operations shall be on schedule..

and the right to operate a taxicab service within the City of Fort Collins, Colorado.

By the above-styled application said certificate-holder sought to transfer said operating rights to Thelma G. Griffith and Stanley E. Griffith, co-partners, doing business as "Ace Cab Company," Fort Collins, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Fort Collins, Colorado, December 15, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 3, 1959, the Commission, as provided by law, designated Louis J. Carter, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, Stanley E. Griffith appeared and testified he is the son of John S. Griffith; that said John S. Griffith, transferor herein, died following the filing of the instant application; that John S. Griffith and his wife, Thelma G. Griffith, were owners of a home, and of a bank account, which assets devolved upon said Thelma G. Griffith, without the need of Probate; that PUC No. 376 is the only property in the name of John S. Griffith; that said Stanley E. Griffith and his mother Thelma G. Griffith, are the sole heirs of said John S. Griffith, Deceased; that there is no outstanding indebtedness against said certificate; that he has had experience assisting his father in the operation of the Ace Cab Company.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of transferees were established to the satisfaction of the Commission.



## F I N D I N G S

### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That the proposed transfer is compatible with the public interest, and should be authorized, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

## O R D E R

### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings be, and the same hereby is, approved.

That the Secretary of the Commission is hereby instructed to change the records of the Commission to show that:

"Thelma G. Griffith and Stanley E. Griffith,  
co-partners, doing business as "Ace Cab Company," "  
to be the owners and operators of PUC No. 376, in lieu of

"John S. Griffith, doing business as  
"Ace Cab Company," "

That said Thelma G. Griffith and Stanley E. Griffith, co-partners, doing business as "Ace Cab Company," Fort Collins, Colorado, shall be responsible for any outstanding unpaid operating obligations under PUC No. 376, whether secured or unsecured.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Ralph C. Horton*  
*Alvin E. Zalusky*  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of January, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JOHN M. BLAKNEY, ROUTE 3, )  
LA JUNTA, COLORADO. )  
----- )

PERMIT NO. B-3396

-----  
January 12, 1960  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John M. Blakney, La Junta, Colorado, owner and operator of Permit No. B-3396, requesting authority to conduct operations under said Permit No. B-3396 under the trade name and style "John Blakney Trucking."

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That John M. Blakney, owner and operator of Permit No. B-3396 is hereby authorized to use the trade name "John Blakney Trucking," in the conduct of operations under said Permit No. B-3396.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Raymond C. Hutton  
Blair G. Paulsen  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JERRY E. ROBINSON, ROUTE 1 BOX 71,  
LAFAYETTE, COLORADO.

PERMIT NO. M-15804

January 21, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Jerry E. Robinson,  
Lafayette, Colorado  
requesting that Permit No. M-15804 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15804, heretofore issued to Jerry E. Robinson,  
Lafayette, Colorado be,  
and the same is hereby, declared cancelled effective September 14, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Norton  
Henry E. Zaulinger  
Commissioners

Dated at Denver, Colorado,

this 21st day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

WALDO O. VIGIL, 2614 EAST 10TH,  
PUEBLO, COLORADO.

PERMIT NO. M-10277

January 21, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Waldo O. Vigil,  
Pueblo, Colorado  
requesting that Permit No. M-10277 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10277, heretofore issued to Waldo O. Vigil,  
Pueblo, Colorado be,  
and the same is hereby, declared cancelled effective January 6, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Horton  
Henry E. Zankowsky  
Commissioners

Dated at Denver, Colorado,

this 21st day of January, 19560.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
R. O. WELTON, DOING BUSINESS AS, )  
"HUGO WRECKING YARD", P. O. BOX 172, )  
HUGO, COLORADO. )  
----- )

PERMIT NO. M-2170

-----  
January 21, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from R. O. Welton, doing  
business as, "Hugo Wrecking Yard", Hugo, Colorado  
requesting that Permit No. M-2170 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2170, heretofore issued to R. O. Welton, doing  
business as, "Hugo Wrecking Yard", Hugo, Colorado be,  
and the same is hereby, declared cancelled effective December 23, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Wm. E. Zullinger  
Commissioners

Dated at Denver, Colorado,

this 21st day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

DON R. SIMMONS, DOING BUSINESS AS,  
"PUEBLO AUCTION HOUSE", 1905 EAST  
4TH, PUEBLO, COLORADO.

PERMIT NO. M-5345

January 21, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Don R. Simmons, doing  
business as, "Pueblo Auction House", Pueblo, Colorado  
requesting that Permit No. M-5345 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5345, heretofore issued to Don R. Simmons, doing  
business as, "Pueblo Auction House", Pueblo, Colorado be,  
and the same is hereby, declared cancelled effective December 16, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Norton  
Wm. E. Zarlengo  
Commissioners

Dated at Denver, Colorado,

this 21st day of January, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

JOHN S. PLANK, P. O. BOX 173,  
FLEMING, COLORADO.

PERMIT NO. M-756

January 21, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from John S. Plank,  
Fleming, Colorado  
requesting that Permit No. M-756 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-756, heretofore issued to John S. Plank,  
Fleming, Colorado be,  
and the same is hereby, declared cancelled effective December 21, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Commissioners

Dated at Denver, Colorado,

this 21st day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JOHN S. PLANK, P. O. BOX 173, )  
FLEMING, COLORADO. )

PUC NO. 4336-I

January 21, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John S. Plank,

Fleming, Colorado

requesting that Certificate of Public Convenience and Necessity No. 4336-I

be cancelled.

## F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 4336-I heretofore issued to John S.

Plank, Fleming, Colorado

be, and the same is hereby, declared cancelled effective December 21, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Frank C. Hodson  
King E. Zandberg  
Commissioners

Dated at Denver, Colorado,

this 21st day of January, 19 60.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

JOHN EARLY, DOING BUSINESS AS,  
"EARLY CONSTRUCTION COMPANY", 837  
SAN PEDRO DRIVE, SOUTH EAST,  
ALBUQUERQUE, NEW MEXICO.  
-----

PERMIT NO. M-15098

-----  
January 21, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from John Early, doing  
business as, "Early Construction Company", Albuquerque, New Mexico  
requesting that Permit No. M-15098 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15098, heretofore issued to John Early, doing  
business as, "Early Construction Company", Albuquerque, New Mexico be,  
and the same is hereby, declared cancelled effective January 8, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Horton  
Henry E. Zarlengo  
Commissioners

Dated at Denver, Colorado,

this 21st day of January, 195 60.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ANGELO RICH, 270 SOUTH CLAY STREET, )  
DENVER 19, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-13779

\_\_\_\_\_  
January 21, 1960  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Angelo Rich,  
Denver 19, Colorado  
requesting that Permit No. M-13779 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13779, heretofore issued to Angelo Rich,  
Denver 19, Colorado be,  
and the same is hereby, declared cancelled effective December 15, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Holton  
Wm. E. Zurling  
Commissioners

Dated at Denver, Colorado,

this 21st day of January, 195 60.



original

(Decision No. 53673)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN RE MOTOR VEHICLE OPERATIONS OF )  
E. J. CAMPBELL AND R. W. BRAUN, )  
CO-PARTNERS, 801 WALNUT STREET, )  
DENVER, COLORADO. )

PERMIT A-16

January 13, 1960

Appearances: John H. Hicks, Esq., Denver,  
Colorado, for permit-holder.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from John H. Lewis, Esq., on behalf of the above-captioned permit-holders, requesting that said permit-holders be authorized to do business under the firm name and style "B-C Truck Line," in the conduct of operations under Permit No. A-16 owned by them.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the Secretary of the Commission is hereby directed to change the records of the Commission to show:

"E. J. Campbell and R. W. Braun,  
co-partners, doing business as  
'B-C Truck Lines,' 801 Walnut  
Street, Denver, Colorado,"

to be the owners and operators of Permit No. A-16, in lieu of:

"E. J. Campbell and R. W. Braun."

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Ralph C. Anton*  
*Alvin E. Zuley*  
Commissioners.

Dated at Denver, Colorado  
this 13th day of January, 1960.  
mls

original

(Decision No. 53674)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WALTER D. HALSEY, ROUTE 2, BOX 140, )  
PLATTEVILLE, COLORADO, FOR A CLASS )  
"B" PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 17556-PP

-----  
January 13, 1960  
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Appearances: Walter D. Halsey, Platteville, Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of grain, from mills within a radius of twenty-five miles of Platteville, Colorado, to points within a radius of thirty miles of Platteville, Colorado, with back-haul of protein pellets from Denver to Applicant's address, which is west of Platteville, approximately twelve miles; also, back-haul of beet pulp from Great Western Sugar Company Factories, at Brighton and Loveland, Colorado, to Applicant's address, approximately twelve miles west of Platteville, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Greeley, Colorado, December 29, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 28, 1959, the Commission, as provided by law, designated Louis J. Carter, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting



the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, applicant herein appeared and testified in support of his application, stating he is a farmer and cattle feeder; that he is feeding cattle on his farm at the present time for one Milton Tries; that in the conduct of this feeding, it is necessary for him to transport grain from mills located within twenty-five miles of Platteville, to points within a thirty-mile radius of Platteville, beet pulp from the sugar factories at Brighton and Loveland, and feed pellets from Denver to his feed lot; that for all of this transportation he is being paid; that he is the owner of a 1953 G.M.C. three-ton truck and a 1950 Fruehauf Dump Trailer; that he has a net worth of \$50,000; that said transportation is connected with his feeding contracts, and requires special handling.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

It does not appear that applicant's proposed operations will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein.

## F I N D I N G S

### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above Findings be, and the same hereby is, approved.

That Walter D. Halsey, Platteville, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of grain, from mills within a radius of twenty-five miles of Platteville, Colorado, to points within a thirty-mile radius of Platteville, Colorado; sugar beet pulp from factories situated in Brighton and Loveland, Colorado, to Applicant's feed lots; protein pellets from Denver to said feed lots.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

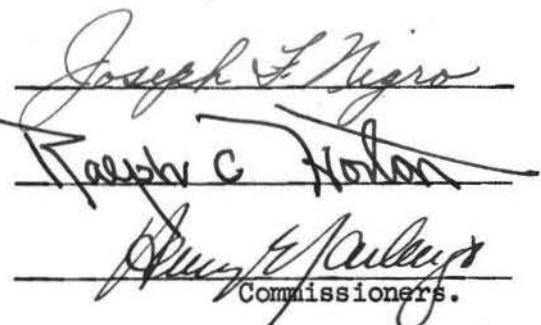
That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dated at Denver, Colorado,  
this 13th day of January, 1960.

mls

  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRED OLIVAS, 1532 THIRD AVENUE, )  
GREELEY, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 17553

-----  
January 13, 1960  
-----

Appearances: Fred Olivas, Greeley, Colo-  
rado, pro se;  
John J. Althoff, Esq.,  
Greeley, Colorado, for  
Protestant.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity, authorizing operation as a common carrier by motor vehicle for hire, for the transportation of trash, ashes, and refuse, from point to point within a radius of ten miles of Greeley, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Greeley, Colorado, December 29, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 28, 1959, the Commission, as provided by law, designated Louis J. Carter, an employee of this Commission, to conduct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, Fred Olivas, applicant herein, appeared and stated his Attorney was unable to be present at the hearing, and asked that said matter be continued, to be later re-set for hearing.

Report of the Examiner recommends that said request be granted, and said application be continued, to be later re-set for hearing before the Commission, with notice to all parties in interest.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That the above-styled application should be continued, to be re-set for hearing at a future date to be determined by the Commission, with notice to all parties in interest.

### O R D E R

#### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings be, and the same hereby is, approved.

That Application No. 17553 be, and the same hereby is, continued, to be later re-set for hearing before the Commission on a date to be determined by the Commission, with notice to all parties in interest.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Joseph F. Nigro  
Joseph C. Hobart  
Henry H. Haulage  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of January, 1960.

mls

(Decision No. 53676)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GARY D. CHAMBERLAIN, 2520 SEVEN- )  
TEENTH AVENUE, GREELEY, COLORADO, )  
AND CHARLES B. RUGH, 2441 FOUR- )  
TEENTH AVENUE, GREELEY, COLORADO, )  
CO-PARTNERS, DOING BUSINESS AS )  
"C & R HAULING SERVICE," FOR A CER- )  
TIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 17552

-----  
January 13, 1960  
-----

Appearances: Gary D. Chamberlain, Greeley,  
Colorado, pro se;  
John J. Althoff, Esq., Greeley,  
Colorado, for Protestant  
George Downing.

S T A T E M E N T

By the Commission:

Applicants herein seek a certificate of public convenience and necessity, authorizing operation as a common carrier by motor vehicle for hire, for the transportation of ashes and trash, from point to point within a radius of ten miles of Greeley, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Greeley, Colorado, December 29, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 28, 1959, the Commission, as provided by law, designated Louis J. Carter, an employee of this Commission, to conduct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, Gary D. Chamberlain, one of applicants herein,

appeared and stated that he and his partner, Charles B. Rugh, were Greeley Firemen, and had been operating an ash and trash business between them; that they have now sold said business to a third party, not a party to this application. He requested that said matter be continued, to be re-set for hearing at a later date.

Report of the Examiner recommends that the above-styled application be continued, to be later re-set for hearing before the Commission, with notice to all parties in interest.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That the above-styled application should be continued, to be re-set for hearing at a future date to be determined by the Commission, with notice to all parties in interest.

### O R D E R

#### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings be, and the same hereby is, approved.

That Application No. 17552 be, and the same hereby is, continued, to be later re-set for hearing before the Commission on a date to be determined by the Commission, with notice to all parties in interest.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Ralph C. Johnson*  
*Henry E. Delaney*  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of January, 1960.

mls



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
J. R. BAINBRIDGE, 2203 $\frac{1}{2}$ FIFTH )	
STREET, GREELEY, COLORADO, FOR A )	
CERTIFICATE OF PUBLIC CONVENIENCE )	<u>APPLICATION NO. 17551</u>
AND NECESSITY TO OPERATE AS A )	
COMMON CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	
----- )	

-----  
January 13, 1960  
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Appearances: J. R. Bainbridge, Greeley,  
Colorado, pro se;  
John J. Althoff, Esq.,  
Greeley, Colorado, for  
Protestant George Downing.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, for the transportation of trash, in and between the Cities of Greeley, LaSalle, and Evans, Weld County, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Greeley, Colorado, December 29, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 28, 1959, the Commission, as provided by law, designated Louis J. Carter, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place of hearing, applicant herein appeared and testified in support of his application, stating he had been hauling ashes, trash, and other waste materials for a period of fourteen years; that he has some fifty customers; that he is the owner of a 1952 International Pick-up Truck, and has a net worth of \$2,200; that he desires to confine his operations to the Cities of Greeley, LaSalle, and Evans, Colorado.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

Report of the Examiner recommends that authority herein sought be granted.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That public convenience and necessity require applicant's motor vehicle common carrier service, on call and demand, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings be, and the same hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of J. R. Bainbridge, Greeley, Colorado, for the transportation of ashes, trash, and other waste materials in the Cities of Greeley, LaSalle, and Evans, Colorado, and from said cities to regularly-designated and approved dumps and disposal places in Weld County, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public


convenience and necessity therefor.

That applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Joseph L. Nigro  
Ralph C. Holman  
Paul J. Paulsen  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of January, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GEORGE OSBORNE, 324 FOURTEENTH )  
STREET, GREELEY, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE AS A )  
COMMON CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

APPLICATION NO. 17554

-----  
January 13, 1960  
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Appearances: George Osborne, Greeley,  
Colorado, pro se;  
John J. Althoff, Esq.,  
Greeley, Colorado, for  
Protestant George Downing.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, for the transportation of trash and scrap iron in the City of Greeley, Colorado, and within a radius of seven miles of said City of Greeley, and to haul said trash to Greeley's City Dump, approximately five miles from said city, and to haul said scrap iron to the City of Denver, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Greeley, Colorado, December 29, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 28, 1959, the Commission, as provided by law, designated Louis J. Carter, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, applicant herein appeared and testified in support of his application, stating that he has been engaged in transportation of ashes, trash, and other waste materials since 1946; that he has some two hundred ash and trash customers; that he is the owner of a 1948 one and one-half-ton Dodge Truck, and has sufficient net worth with which to conduct his proposed operations; that in addition to his ash and trash service, he is also engaged in transportation of scrap iron from Greeley and a five-mile radius thereof, to Denver, Colorado.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

Report of the Examiner recommends that authority herein sought be granted.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

The public convenience and necessity require applicant's motor vehicle common carrier service, on call and demand, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings be, and the same hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of George Osborne, Greeley, Colorado, for the transportation of ashes, trash, and other waste materials in the City of Greeley, Colorado, and an area

surrounding Greeley, within a radius of eight miles from the intersection of Ninth Street and Ninth Avenue, in the City of Greeley, and from said territory to regularly-designated and approved dumps and disposal places in Weld County, Colorado, and the transportation of scrap iron, from said territory, to Denver, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Hoban  
Henry E. Aulley  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of January, 1960.

ea



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN RE MOTOR VEHICLE OPERATIONS OF )  
RUBEN GRAFF, DOING BUSINESS AS )  
"BROOMFIELD HEIGHTS WASTE DIS- )  
POSAL," 4220 PIERCE STREET, )  
WHEATRIDGE, COLORADO. )  
----- )

PUC NO. 3051

-----  
January 13, 1960  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
Ruben Graff, doing business as "Broomfield Heights Waste Disposal,"  
Wheatridge, Colorado, owner and operator of PUC No. 3051, as follows:

"Please delete the trade name of Broomfield  
Heights Waste Disposal from P.U.C. #3051."

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the Secretary of the Commission is hereby instructed  
to change the records of the Commission to show that:

"Ruben Graff,"

is the owner and operator of PUC No. 3051, in lieu of:

"Ruben Graff, doing business as  
'Broomfield Heights Waste Disposal.' "

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro

Ruey C. Hinton

Henry Spaulding  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GEORGE ROGERS, DOING BUSINESS AS, )  
"MARKET BASKET GROCERY", 723 NORTH )  
MESA VERDE, AZTEC, NEW MEXICO. )  
----- )

PERMIT NO. M-13144

-----  
January 21, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from George Rogers, doing  
business as, "Market Basket Grocery", Aztec, New Mexico  
requesting that Permit No. M-13144 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13144, heretofore issued to George Rogers, doing  
business as "Market Basket Grocery", Aztec, New Mexico be,  
and the same is hereby, declared cancelled effective December 31, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Horton  
Wm. E. Zullinger  
Commissioners

Dated at Denver, Colorado,

this 21st day of January, 1960.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PIKES PEAK AUTOMOBILE COMPANY, EL )  
POMAR BUILDING, BROADMOOR, COLORADO )  
SPRINGS, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY, )  
AUTHORIZING EXTENSION OF OPERATIONS )  
UNDER PUC NO. 116. )  
----- )

APPLICATION NO. 16937-Extension  
AMENDED ORDER

-----  
January 14, 1960  
-----

Appearances: J. Hartley Murray, Esq.,  
Colorado Springs, Colorado,  
William A. Baker, Esq., Colo-  
rado Springs, Colorado, and  
Ben S. Wendelken, Esq., Colo-  
rado Springs, Colorado, for  
Pikes Peak Automobile Company;  
A. J. Meiklejohn, Esq., Denver,  
Colorado, for Airlines Cab  
Service;  
John R. Barry, Esq., Denver,  
Colorado, for Denver-Colorado  
Springs-Pueblo Motor Way.

S T A T E M E N T

By the Commission:

On December 22, 1959, the District Court in and for the City and County of Denver, State of Colorado, Division 4, entered an order in Civil Action B-33169 concerning the within matter. Pursuant to said order of the District Court, wherein the Court remands the above matter to the Public Utilities Commission for the sole and only purpose of recording and amending its Findings upon which it based its decision and action, and then return the matter to Division 4 of the District Court for further hearing upon the question of whether or not the Commission exceeded its jurisdiction or abused its discretion, and specifically orders that the action of the Commission be limited strictly to the making and recording of its Findings, and no further or additional hearing or rehearing be held in connection with this matter.

In compliance with the above order, we herewith submit the following amended order:

On March 6, 1959, the applicant herein filed its application for a certificate of public convenience and necessity, to furnish transportation for hire to and from the Municipal Airport of the City of Colorado Springs, and from and to all points in the State of Colorado, and especially from and to all points in the Pikes Peak Sightseeing Region, including the U. S. Air Academy, such transportation to be furnished over such routes and with such equipment as shall be best suited to reasonably fit the needs of the traveling public, and at such rates as may be approved by the Commission.

The above application was regularly set for hearing at the Court House in Colorado Springs, Colorado, on March 30, 1959, at ten o'clock A. M., and on March 26, 1959, the hearing of the above-styled application was vacated upon request of the attorney for protestants, Airlines Cab Service, and the matter was re-set for hearing, and heard, on Tuesday, April 21, 1959, at ten o'clock A. M., at Little Theater, City Auditorium, Colorado Springs, Colorado, and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing held on the above date, the attorneys for applicant offered the following stipulation:

"If it please the Commission, at this time the applicant stipulates that at any time bus service should be used in the transportation of passengers to and from the airport, said buses will not be used in or on a chartered service basis, and any authority granted on the basis of this application may be so restricted."

"MR. BARRY: In view of that stipulation, that is acceptable to Denver-Colorado Springs-Pueblo Motor Way, and we would ask leave to have the Commission accept the stipulation and we will withdraw our protest at this time."

The stipulation was accepted, and Attorney Barry asked leave to withdraw and leave the Hearing Room.

The evidence disclosed that applicant is presently operating under Certificate of Public Convenience and Necessity No. 116, which

authorizes the following:

Decision No. 1165: Transportation of passengers from Colorado Springs to various scenic attractions in the Pikes Peak Region, subject to the following terms and conditions: (a) All sightseeing and tourist operations herein shall be limited to round-trip operations originating and terminating at the point of origin of the service. (b) No one-way transportation of passengers is permitted at any of the points in the Pikes Peak Region. (c) The quantity of equipment to be used in this operation shall be limited to twelve (12) cars. (d) This certificate hereby issued is good for one year only.

Decision No. 1694 makes Decision No. 1165 permanent, subject to the same terms and conditions contained in Decision No. 1165.

Decision No. 15523 amended authority to permit the operation of an auto livery service between all points in the Pikes Peak Sightseeing Region and from and to said points, to and from other points in the State of Colorado, subject to the following restrictions: (a) Such service shall be furnished only in passenger cars of the type used by applicant in sightseeing business; and each applicant shall be limited to the number of cars used for said service which he is now entitled to use under his sightseeing certificate. In other words, no additional equipment may be used for such auto livery service, and only five (5) passengers may be carried in one car on all trips -- 10 one-way miles or under. (b) All operations hereunder shall be conducted on the following rates, to-wit:

15¢ per mile for all trips over 10 one-way miles for three passengers or less; 20¢ per mile for four passengers; 25¢ per mile for five passengers; 30¢ per mile for six passengers; and 35¢ per mile for seven or more. For trips ten one-way miles or under, the rate shall be 20¢ per mile without regard to whether one or five passengers are carried; provided, however, that all rates both over and under 10 one-way miles shall be based upon round-trip mileage, and where waiting time of over ten minutes is involved, the charge shall be \$1.00 per hour, or a proportion thereof, or fraction of an hour for the full waiting time. (c) The Auto Livery Service herein provided for shall not be advertised outside the County of El Paso by means of any literature or other written or printed advertising.

Decision No. 16561 amended by inserting Sub-division (b)-1, as follows: No one-way transportation of passengers is permitted, shall not apply to the transportation of passengers from Colorado Springs to the summit of Pikes Peak or from the Summit of Pikes Peak to Colorado Springs, when such operations are conducted under tariffs provided for diverse routing with the Manitou & Pikes Peak Railway Company.

Decision No. 17012 amends Decision No. 15523, as follows:

(a) The terms and provisions of said decision shall not apply to taxi operations within the corporate limits of



the Town of Manitou Springs, Colorado. (b) For trips over 10 one-way miles, the rates shall be 20¢ per mile, based on the round-trip mileage for one to five passengers, inclusive, and 25¢ per round-trip mile for six, seven, or eight passengers, with an additional charge of \$3.00 per hour for all time consumed in waiting after 30 minutes delay at any point on the trip, or a charge of \$30.00 per car per 8-hour day may be used in lieu of the mileage basis, provided, however, that such a charge must in all cases produce a higher charge than the charge would be if computed on the mileage basis. (c) For trips of 10 one-way miles or under, the number of passengers permitted to be carried is increased from 5 to 6, and the rates to be charged shall be 20¢ per mile without regard to whether 1 or 6 passengers are carried, or an optional charge of \$3.00 per hour may be made, and where a waiting time of over 10 minutes is involved on any trips taken on a mileage basis, the waiting time charge shall be \$1.00 per hour, or a proportion thereof for fractions of an hour, for the full waiting period. (d) It is further provided that all the rates above prescribed are minimum rates for both over and under 10 one-way miles and shall be based upon round-trip mileage. That on any transportation that is competitive with scheduled motor vehicle carriers, the base fare of the round-trip currently in effect.

Decision No. 32399 CONSOLIDATES PUC NO. 140 HEREWITH:

Transportation of passengers by motor vehicle from Colorado Springs and Manitou to the various scenic attractions in the Pikes Peak Region, subject to the following terms and conditions: (a) all sightseeing and tourist operations shall be limited to round-trip operations, originating and terminating at the point of origin of the service. (b) That no one-way transportation of passengers is permitted to any of the points in the Pikes Peak Region. (c) That the quantity of the equipment to be used in this operation shall be limited to 16 cars. (2) Transportation of passengers by motor vehicle from Cascade and Green Mountain Falls to the various scenic attractions in the Pikes Peak area, subject to the following terms and conditions: (a) All sightseeing and tourist operations shall be limited to round-trip operations, originating and terminating at the point of origin of the service. (b) That no one-way transportation of passengers is permitted to any point in the Pikes Peak Region. (3) Transportation of passengers by motor vehicle from Manitou to the various scenic attractions in the Pikes Peak Region, limited to round-trip operations and the use of 1 automobile. (4) Transportation by auto livery service between all points in the Pikes Peak Sightseeing Region and from and to said points, to and from other points in the State of Colorado, subject to the following restrictions: (a) Such service shall be furnished only in passenger cars of the type used by transferors in sightseeing business as of 6-13-40, and each applicant shall be limited to the number of cars for said service which transferor was then entitled to use under its sightseeing certificate. In other words, no additional equipment may be used for such auto livery service, and only 5 passengers may be carried in 1 car on all trips --



10 one-way miles or under. (b) All operations hereunder shall be conducted on the following rates, to-wit: 15¢ per mile for all trips over 10 one-way miles or less, 20¢ per mile for 4 passengers, 25¢ per mile for 5 passengers, 30¢ per mile for 6 passengers, 35¢ per mile for 7 or more passengers. Trips 10 one-way miles or under, 20¢ per mile without regard to 1 or 5 passengers carried; PROVIDED, HOWEVER, that all rates, both over and under 10 one-way miles, shall be based upon round-trip mileage; waiting time over 10 minutes shall be \$1.00 per hour, or proportion or fraction thereof; (c) auto livery service herein provided shall not be advertised outside of El Paso County by means of literature or printed advertising.

2-15-54, Decision No. 42077: Authorized to substitute four of the type buses described in the foregoing Statement for certain of its authorized equipment used in the sightseeing business under its PUC No. 116, the quantity of equipment authorized to be used in its operations not to be increased by such substitution. This Order shall not be construed as granting any authority to transport passengers in charter service, or in any other service than sightseeing, as usually defined.

Decision No. 46050 - 6-22-56: That, the Applicant herein, in its passenger operations to and from the Colorado Springs Airport, Colorado Springs, Colorado, from and to other points in the State of Colorado, be, and is hereby, exempted from the restrictions and limitations contained in Decisions Nos. 15523, 17012 and 32399 of this Commission.

Decision No. 46172 - 7-13-56: To include its sightseeing and auto livery service as now operated between all points within the corporate limits of the City of Colorado Springs, Colorado,

and, in addition, leases Certificate No. 2202 which, generally, authorizes authority to transport passengers between Colorado Springs and Camp Carson.

In support of the application, six witnesses appeared and testified, and we will here briefly summarize what, in our judgment, was the substance of their testimony:

Gunnar Alenius testified that he was Vice-President of the applicant company, who, it appears, is engaged in the sightseeing auto livery service, and for a time was engaged in airport limousine service in, generally, what is known as the "Pikes Peak Region." The evidence further indicates that applicant for a time was engaged in serving the Municipal Airport of the City of Colorado Springs,

from March 1, 1956 to February 13, 1959, by contract with the City of Colorado Springs under a pretended order of this Commission, which order was overruled by the Supreme Court of the State of Colorado. The witness next enumerated the equipment owned and operated by his company, and the type of service his company will offer.

Upon cross-examination, this witness identified Exhibits Nos. 1, 2, and 3 of protestants, which pertained to the tariffs charged in their prior airport operation.

John Biery, City Manager of the City of Colorado Springs, testified that he had supervision of the Colorado Springs Airport located approximately six miles east of Colorado Springs, and that in 1955, the City Council of Colorado Springs felt at that time there should be some control by the City over the movement and the operation of ground transportation from the air field and also that the City should receive some revenue from the use of the Administration Building from which this transportation originated or terminated. It appears the City set up specifications for that purpose and received bids, and the applicant was the successful bidder. In concluding his testimony, the witness summarized as follows:

"I can't furnish any figures, but I know from the expansion needs at the airport the congestion, the additions of additional flights, and companies coming in and out of our airport, that the traffic at the airport has increased a great deal over the past few years, and certainly the ground transportation needs I would believe have increased in the same proportion. On that basis, I would feel that additional facilities were needed at the airport, and were needed at the time we called for bids."

John Schuenight, of Colorado Springs, testified that he was passenger service manager for Continental Air Lines, and related his experience as to transportation to and from the airport. The witness seems satisfied with the service offered by applicant and commended applicant on their past service, while, on the other hand, the witness was critical of the service by Protestant Airlines Cab Service.

R. T. Saponas, of Colorado Springs, Station Manager for Braniff International Airways, testified as to the adequacy of applicant's service during its operation, and questioned the adequacy of the service offered by Airlines Cab Service. In summarizing, the witness stated that he had no preference as to companies and was interested largely in the type of service and the amount of service offered.

James Dodge, Assistant Passenger Service Manager for Continental Airlines, residing in Colorado, stated he has been employed in that capacity since 1952, and is charged with supervision of the passenger service department at the Colorado Springs Airport for incoming and outgoing planes. The witness stated he was familiar with the service offered by Mr. Donahue, of Airlines Cab Service, and was familiar with the service of Pikes Peak Automobile Company, the applicant herein, during its operation. He commended the service offered by applicant and stated he used applicant for picking up passengers in Colorado Springs. It appeared from his testimony that for some reason there is not the cooperation between protestant and the airlines, and a review of the witness' testimony does not clearly indicate the reason. There is some testimony as to equipment, and the unreliability of protestant's service as viewed by the airlines.

Robert Parvin testified that he is Assistant Manager for the Colorado Springs Airport, and had held that position since 1951. The witness testified as to some of the details as to flights and the number of incoming and outgoing passengers, both civil and military. The witness also stated he was familiar with the service offered by protestant, Airlines Cab Service, and the applicant's service furnished during the years 1956 through 1958. He stated applicant's service was satisfactory but as to the service of protestant, he stated he was not in a position to testify as his evidence would be hearsay and not personal observations.

Airlines Cab Service offered the testimony of several witnesses as to the adequacy of the service offered by them. Dorothy Rose Donahue, the wife of James F. Donahue, the operator of Airlines Cab Service, testified she kept the books of the company and made out various reports connected with the operation. She identified Profit and Loss Statement from 1953 through 1958, which was prepared by her from the books of the company. She pointed out the drop in revenue after March 1, 1956, and attributed this drop in revenue to the fact that they no longer had the exclusive airport service. In her evidence she made comparison from March 1958, disclosing revenue amounting to \$399.72, while for March 1959, after applicant's discontinuance of service, revenue increased to \$1,287.70. The increase, the witness contended, was brought about by having exclusive service.

Mr. Clarence A. Miller, of 312 West Cheyenne Road, stated he was employed by Air Defense Command, and in his business it was necessary for him to use air service; that he made five or six round trips a year and used the service of James F. Donahue who operates Airlines Cab Service. The witness stated the service was satisfactory and dependable.

Charles McKenna, of 710 Salona Drive, stated he also was employed by the Air Defense Command, and by virtue of his employment, used commercial airlines for his transportation, which averaged approximately once a month. He stated protestant's service was satisfactory and, in his own words, he said: "As far as I am concerned, I would say it is excellent."

Mr. Owen B. Hurley, of 2509 North Royer Street, Colorado Springs, and Mr. Frank L. Clinebell, of 106 Trout Avenue, Colorado Springs, testified as to their use of protestant's air limousine service. Both stated it was good, and corroborated the testimony of Witnesses Miller and McKenna.

Mr. Allen Dorsey, a witness on behalf of protestant, testified that on February 15th, he called Continental Air Lines, asking

them as to limousine service to the airport and was informed that there was no limousine service available but they would call a yellow cab.

James F. Donahue, 423 East Pikes Peak Avenue, Colorado Springs, Colorado, testified he was the owner of Airlines Cab Service and had been engaged in that business approximately twenty-six years. It appears that in 1934 he was issued a certificate of public convenience and necessity, and at the present time he is using a 1951 Cadillac, licensed for 8 passengers; a 1950 Chrysler, licensed for 8 passengers; a 1951 Plymouth, licensed for 5 passengers; a 1950 DeSoto, licensed for 8 passengers; that this equipment has been inspected and found satisfactory, and that he has been accident-free for the past five years; that he is presently serving, and has at all times served the airport; that he has exclusive right to serve the airport, and is asking damages for the illegal operations of Pikes Peak Automobile Company; that if he is successful in his suit, it is his intention to improve his service by the purchase of new equipment.

We have attempted to briefly summarize the testimony of the witnesses appearing at the hearing. The record is filled with reference to the operations of applicant from 1956 through 1958; the Court battle, and the final decision wherein the Court found where applicant under his present authority had no right to serve. The question, however, before the Commission is a factual problem: Does public convenience and necessity warrant the granting of the certificate asked for, as amended in the application? Before we can answer the above question, we feel we should discuss certain facts that confront us. In the instant case, we are confronted with the fact that the protestant has a virtual monopoly, which is tolerated by our Act. We have, however, recognized that from the standpoint of public interest regulated monopoly is not always a complete substitute for competition. As a practical matter, monopolies, frequently, are not sufficiently responsible to regulation



to protect the public interest. Moreover, regulation, while it may supply some of the checks of competition, cannot supply all of the stimulus to better and cheaper service.

We cannot say from the record before us that Protestant Donahue in 1956, was furnishing an adequate service, nor can we say that his service is adequate at this time. The representatives of the airlines voice the protest that there is a lack of cooperation, and the attitude of protestant Donahue on the witness stand bears this out. The serious question confronting us: Is there sufficient business to warrant two certificated carriers? It appears that applicant, in its operation, was efficient and endeavored to give the public service, while, on the other hand, protestant has transportation available. It is our best judgment that we should not consider the mere fact of a monopoly as alone sufficient to justify the granting of authority for a new service where, as here, it appears already to have contributed to deficiencies in the present service. It may be assumed that it will continue to operate to the disadvantage of the public, and may itself be looked upon as a circumstance lending to justify the authorization of an added service.

In other words, it appears to us that protestant has not been cooperative with air lines or the City of Colorado Springs, and, as a result, service to the public has suffered. Air limousine service is a specialized type of service, originated by the airlines to take care of air passengers, both for delivery to and from the airport. We cannot but feel that protestant is in actuality operating a call and demand taxi service wherein the obligation to secure transportation is upon the passengers. This air limousine service is one designed for air passengers, sponsored by the airlines, designed to give air passengers an expedited and economical service, not only in delivery service from the airport but in picking up passengers for a scheduled flight.

We have carefully considered the evidence and have reviewed the record, and are of the opinion that the public interest



will best be served by the granting of the application, as amended. We recognize that there is evidence which may raise the question as to whether there is enough business to economically justify two carriers in this specialized service. However, we cannot say that protestant Donahue is giving adequate specialized service to sufficiently satisfy public convenience and necessity. Rather, he is giving, in our opinion, a taxicab service at limousine rates. In arriving at our conclusion, it is based, finally, on the benefit to the air passengers using the service.

#### F I N D I N G S

##### THE COMMISSION FINDS AS A FACT THE FOLLOWING:

1. That there is now and has been a public need for a specialized regularly scheduled bus or limousine type passenger service from points within the Colorado Springs Metropolitan Area to the Colorado Springs Airport, and that such type of service, if provided, would be of great convenience to the public.
2. That the number of air line passengers arriving and leaving from the Colorado Springs Airport needing and requiring a specialized type of scheduled bus or limousine service to the Airport and needing and requiring transportation service from the Airport to the Colorado Springs Metropolitan Area is increasing and has increased materially within recent years.
3. That the service actually rendered by the protestant herein, both prior to March 1, 1956 and at the time of the hearing, with respect to transportation of passengers to and from the Colorado Springs Airport was and is essentially on a call and demand taxicab type service and not a regularly scheduled airport bus or limousine service of the type proposed.
4. That with respect to the service rendered by the existing carrier from the Airport to other points, the Commission finds that such carrier has failed to meet all incoming flights and that the facilities and operations of the existing carriers are inadequate to provide adequate transportation for all persons needing

and desiring limousine or bus transportation at limousine or bus rates.

5. That both as to the period prior to March 1, 1956 and thereafter, the transportation services rendered by the protestant herein are inadequate to satisfactorily meet the needs, requirements and convenience of the traveling public.

6. That the duty to provide adequate transportation to meet the needs and convenience of the public was upon the protestant as the existing carrier and not upon other interested parties to solicit protestant for additional or improved transportation needed by the public.

7. That the applicant has adequate equipment, facilities and resources to provide the type of service which is proposed; that the granting of a certificate of public convenience and necessity to the applicant will not impair the operation of existing carriers in such manner as to be contrary to the public interest for the reason that the Commission finds that the public interest, convenience and necessity will be better served by the authorization of a scheduled limousine or bus-type service in addition to the call and demand taxicab-type service being supplied by the existing carrier.

8. That the public convenience and necessity require the proposed service of applicant under a certificate, and that a certificate of public convenience and necessity should issue therefor.

#### O R D E R

#### IT IS ORDERED:

That public convenience and necessity require the proposed motor vehicle common carrier bus or limousine-type scheduled service of Pikes Peak Automobile Company, Colorado Springs, Colorado, for the transportation of passengers and their baggage, for hire, to and from the Municipal Airport of the City of Colorado Springs, Colorado, and from and to all points in the State of Colorado, and especially

from and to all points in the Pikes Peak Sightseeing Region, including the U. S. Air Academy, provided, however, that any time bus service should be used in the transportation of passengers to and from the airport, said buses will not be used in or on a chartered service basis, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicant shall file tariffs of rates, rules and regulations, and time and distance schedules, as required by the Rules and Regulations of this Commission within twenty days from date.

That applicant shall operate his carrier system according to the schedule filed except when prevented by the Act of God, the public enemy, or extreme conditions.

That this Order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Robert C. Norton  
Henry H. Paulings  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of January, 1960.

ea

original

(Decision No. 53682)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
OIL FIELD HAULERS, INC., P. O. BOX  
762, FORT MORGAN, COLORADO, FOR A  
CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY TO OPERATE AS A COMMON  
CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 17474  
(Formerly Application No. 17019-PP)

January 14, 1960

Appearances: John P. Thompson, Esq., Den-  
ver, Colorado, for Applicant;  
Leslie R. Kehl, Esq., Denver,  
Colorado, for Neff Trucking  
and L. E. Whitlock Truck  
Service, Inc.

S T A T E M E N T

By the Commission:

By application filed July 9, 1959, Applicant herein seeks  
authority to operate as a common carrier by motor vehicle for hire,  
for the transportation of:

- (1) Machinery, equipment, materials and supplies  
used in, or in connection with, the discovery,  
development, production, refining, manufactur-  
ing, processing, storage, transmission and  
distribution of natural gas and petroleum and  
their products and by-products, and
- (2) Machinery, equipment and supplies used in, or  
in connection with, the construction, opera-  
tion, repair, service, maintenance and dis-  
mantling of pipe lines, including the string-  
ing and picking thereof.

On call and demand over irregular routes, between  
all points in an area bounded on the west by U. S.  
Highway 85, and on the north, south and east by  
the Colorado State Lines; restricted however, to  
an office at Fort Morgan, Colorado, for the solici-  
tation of business; and provided that the appli-  
cants shall not be permitted to haul in competition  
with line-haul common carriers between towns; and  
excluding transportation of petroleum and petroleum  
products in bulk in tank vehicles, and excluding  
the transportation of crude oil and water.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the District Court Room, Court House, Fort Morgan, Colorado, November 12, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

### F I N D I N G S

The Commission having fully considered all the evidence adduced in support of, and in opposition to, the application FINDS:

That the evidence fails to establish that the Applicant is capable of or has sufficient equipment to provide in a satisfactory manner the transportation services for which the Applicant seeks authority.

That the services which Applicant seeks to provide would in substance actually be additional services available to the public and such additional services are neither necessary to the public nor are they required by the public convenience.

That the services presently available to the public are adequate for the public convenience and public need.

That if the authority requested were granted to the applicant there would result a duplication of services which would be detrimental to the public interest.

That the public convenience and necessity do not require the services for which Applicant seeks authority.

That the application should be denied.

### O R D E R

#### THE COMMISSION ORDERS:

That the instant application should be, and hereby is, denied.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph L. Nigro*  
*Joseph C. Holman*  
*James S. [illegible]*  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of January, 1960.

mls

original

(Decision No. 53683)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
VERL HARVEY, INC., 241 WEST 56TH )  
AVENUE, DENVER, COLORADO. )  
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PUC NO. 2177  
PUC NO. 2177-I

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January 14, 1960  
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Appearances: Charles H. Haines, Jr., Esq.,  
Denver, Colorado, for Verl  
Harvey, Inc.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Charles  
H. Haines, Jr., Attorney for the above-styled certificate-holder re-  
questing that said certificate-holder be authorized to do business under  
the firm name and style "Don Ward & Co."

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the Secretary of the Commission is hereby instructed to  
change the records of the Commission to show "Verl Harvey, Inc., doing  
business as 'Don Ward & Co.'" to be the owner and operator of PUC No.  
2177 and PUC No. 2177-I, in lieu of "Verl Harvey, Inc."

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

SEAL  
Dated at Denver, Colorado,  
this 14th day of January, 1960.

mls

*Joseph F. Nigro*  
*Ralph C. John*  
*Ray E. Hagg*  
Commissioners.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRANK SENIER, 816 FIFTEENTH STREET, )  
GREELEY, COLORADO, FOR A CLASS "B" ) APPLICATION NO. 17557-PP-Amended  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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January 14, 1960  
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Appearances: Melvin Dinner, Esq., Greeley,  
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

By the above-styled application, as amended at the hearing, Frank Senier, Greeley, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the conduct of a general cartage service, for pick-up and delivery service for Union Pacific Railroad Company within the corporate limits of the City of Greeley, and locations within an area bounded on the south by 28th Street, and on the west by Hunter Road.

Said application was regularly set for hearing before the Commission, at the Court House, Greeley, Colorado, December 29, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 28, 1959, the Commission, as provided by law, designated Louis J. Carter, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, applicant herein appeared and testified in support of his application, stating he had entered into a contract with Union Pacific Railroad Company to conduct a pick-up and delivery service in the City of Greeley and a fringe area thereof; that heretofore this service has been performed by an unauthorized carrier, who cancelled his contract with Union Pacific Railroad Company, and applicant had continued the pick-up and delivery service under Temporary Authority issued by this Commission; that he is owner of a 1949 one and one-half-ton International Truck and a 1957 International pick-up; that he has a net worth of \$5,000.

J. A. Farnum and Robert E. Mulick appeared at the hearing and testified they were officials of the Union Pacific Railroad Company, viz., Agent and Traffic Agent, respectively; that there was a present need by the railroad for applicant's proposed service; that the same type of service was in effect at other Union Pacific Stations in Colorado; that said service was of a specialized nature, and one not desired by common carriers.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

It does not appear that applicant's proposed service will impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred

to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above Findings be, and the same hereby is, approved.

That Frank Senier, Greeley, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the conduct of a general cartage service for pick-up and delivery service for Union Pacific Railroad Company within the corporate limits of the City of Greeley, Colorado, and locations within an area bounded on the south by 28th Street, and on the west by Hunter Road.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Regis*  
*Ralph C. Bohan*  
*James H. Gallegos*  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HOME FURNITURE, INCORPORATED, )  
320 NORTH 4TH, STERLING, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-15841

\_\_\_\_\_  
January 26, 1960  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Home Furniture, Inc.  
Sterling, Colorado  
requesting that Permit No. M-15841 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15841, heretofore issued to Home Furniture, Inc.  
Sterling, Colorado be,  
and the same is hereby, declared cancelled effective January 14, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Garth C. Norton  
Henry E. Zurlungo  
Commissioners

Dated at Denver, Colorado,  
this 26th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
NORMAN A. WITT, DOING BUSINESS AS, )  
"KAR-GO TRAILER RENTAL", 1495 SOUTH )  
FEDERAL BOULEVARD, DENVER 19, COLO- )  
RADO. )  
----- )

PERMIT NO. M-14776

-----  
January 26, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Norman A. Witt, doing  
business as, "Kar-Go Trailer Rental", Denver 19, Colorado  
requesting that Permit No. M-14776 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14776, heretofore issued to Norman A. Witt, doing  
business as, "Kar-Go Trailer Rental", Denver 19, Colorado be,  
and the same is hereby, declared cancelled effective January 12, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
George C. Horton  
Henry E. Zaulinger  
Commissioners

Dated at Denver, Colorado,

this 26th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CENTRAL LIVESTOCK PRODUCTS COMPANY, )  
INCORPORATED, P. O. BOX 97, DERBY, )  
COLORADO. )  
----- )

PERMIT NO. M-7775

-----  
January 26, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Central Livestock  
Products Company, Inc., Derby, Colorado  
requesting that Permit No. M-7775 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7775, heretofore issued to Central Livestock  
Products Company, Inc., Derby, Colorado be,  
and the same is hereby, declared cancelled effective December 17, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Horton  
Henry E. Zurlings  
Commissioners

Dated at Denver, Colorado,  
this 26th day of January, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

RICHARD W. COLESCOTT, 2883 "B" ROAD, )  
GRAND JUNCTION, COLORADO. )  
----- )

PERMIT NO. M-15447

-----  
January 26, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Richard W. Colescott,  
Grand Junction, Colorado

requesting that Permit No. M-15447 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15447, heretofore issued to Richard W. Colescott,  
Grand Junction, Colorado be,

and the same is hereby, declared cancelled effective November 13, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Raymond C. Johnson  
Henry E. Zink  
Commissioners

Dated at Denver, Colorado,

this 26th day of January, 195 60.

\* \* \*

PUC NO. 3503-I

January 26, 1960

By the Commission:

The Commission is in receipt of a request from the above-named certificate-holder requesting that his PUC No. 3503-I be suspended for six months from November 13, 1959.

## FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

**That** Richard W. Colescott, Grand Junction, Colorado

\_\_\_\_\_ be, and \_\_\_\_\_ is hereby, authorized to suspend operations under PUC No. 3503-I until May 13, 1960.

That unless said certificate-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said certificate , file insurance and otherwise comply with all rules and regulations of the Commission applicable to common carrier certificates, said certificate , without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dated at Denver, Colorado,  
this 26th day of January 1956.

## Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

(Decision No. 53690)

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
RICHARD W. COLESCOTT, 2883 "B" )  
ROAD, GRAND JUNCTION, COLORADO.)

PERMIT NO. B-3694

January 26, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-3694 be suspended for six months from November 13, 1959.

## FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Richard W. Colescott, Grand Junction, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-3694 until May 13, 1960.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to re-instate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Norton  
Henry E. Zurlungo  
Commissioners

Dated at Denver, Colorado,  
this 26th day of January, 19 60.

## hc

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
NORTHWEST UTILITIES COMPANY, 8826 )  
NORTH WASHINGTON STREET, THORNTON, )  
COLORADO, FOR A CERTIFICATE OF PUB- )  
LIC CONVENIENCE AND NECESSITY, AUTH- )  
ORIZING SUPPLY OF WATER AND SEWAGE )  
FACILITIES, IN ADAMS COUNTY, COLO- )  
RADO (THORNTON VALLEY EAST). )

APPLICATION NO. 17294-Extension

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IN THE MATTER OF THE APPLICATION OF )  
NORTHWEST UTILITIES COMPANY, 8826 )  
NORTH WASHINGTON STREET, THORNTON, )  
COLORADO, FOR A CERTIFICATE OF PUB- )  
LIC CONVENIENCE AND NECESSITY, AUTH- )  
ORIZING SUPPLY OF WATER AND SEWERAGE )  
FACILITIES IN ADAMS COUNTY, COLORADO )  
(NORTHWEST UTILITIES COMPANY, SECOND )  
FILING NORTH GLENN). )  
-----

APPLICATION NO. 17295-Extension  
Amended

-----  
January 15, 1960  
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Appearances: John R. Barry, Esq., Denver,  
Colorado, and  
Herbert Boyle, Esq., Denver,  
Colorado, for Northwest  
Utilities Company;  
Orrel Daniels, Esq., Brighton,  
Colorado, for the City of  
Thornton;  
Paul M. Brown, Denver, Colo-  
rado, for the Staff of the  
Commission.

S T A T E M E N T

By the Commission:

The above-entitled applications were originally set by the Commission to be heard on Friday, August 21, 1959. When said matters were called for hearing, it was determined that there was a Petition for Re-hearing pending that had not as yet been acted upon by the Commission that would have a bearing on the instant application. At the request of the Attorneys for Applicant, the hearing was recessed to be re-set at a

later date by the Commission. The Petition for Rehearing having been disposed of, the Commission again set these matters for hearing on Friday, September 18, 1959, at ten o'clock A. M., in the Commission's Hearing Room, Denver, Colorado, after due notice to all interested parties. At said later date, the matters were heard upon a consolidated record and at the conclusion of the hearing, the matters were taken under advisement by the Commission.

Mr. Irving J. Hayutin, Attorney, Denver, Colorado, entered his appearance on behalf of Northwest Water Corporation, a water public utility operating in the vicinity of Westminster, Colorado. Mr. Carl S. Smith, Denver, Colorado, also made an appearance at this hearing on his own behalf as land owner in Adams County. During the course of the hearing, it developed that neither Mr. Hayutin nor Mr. Smith could substantiate their positions as protestants in these matters. They had not obtained prior approval to appear as intervenors or protestants. The Commissioner at the hearing tendered each the opportunity to file applications for intervention in these matters. Mr. Hayutin did not elect to file such an application and therefore has no standing in this record as an intervenor or protestant. Mr. Smith filed an application for intervention within the time allotted, but after examining said application and the reasons therefor, we hereby rule that the application for intervention is denied since no cause was stated that would justify permitting Mr. Smith to intervene as a protestant herein.

At the hearing, Attorney for Applicant requested permission to amend the application by interlineation in Application No. 17295 by substituting on Page 1 of the Application, Section 11 instead of Section 10 as the area sought to be served in the application. The Commission reserved ruling at the hearing, but now rules said amendment be permitted.



Northwest Utilities Company, Applicant herein, is a Colorado corporation and a public utility rendering water and sewer service in Adams County, Colorado, under the jurisdiction of this Commission. Applicant, by prior applications, has been authorized by this Commission to operate as a public utility to render water and sewer disposal service to certain defined territories for which certificates of public convenience and necessity have heretofore been issued. Applicant's principal place of business and address is Thornton, Colorado. It also serves water and renders sewer disposal service in said City under and by virtue of a franchise and a certificate of public convenience and necessity issued by this Commission.

In Application No. 17294, Applicant seeks a certificate to render water and sewer service in an area designated as Thornton Valley East. This area has recently been annexed to the City of Thornton and is therefore, in effect, an enlargement of the area under the franchise which Applicant has with the City. Application No. 17295 seeks a certificate to render water and sewer disposal service in Section 11, Township 2-South, Range 68-West in Adams County, also known as North Glenn, Second Filing. Applicant has previously been granted a certificate to render water and sewer disposal service in the East Half of Section 10, known as North Glenn, First Filing, which is contiguous and adjacent to North Glenn, Second Filing.

At the hearing, Mr. Samuel Primack testified that he and his partners, Jordon Perlmutter and William J. Morrison are constructing homes in the area known as North Glenn. This area is generally located at 104th Avenue and North Washington, which is in the East Half of Section 10, Range 68-West, designated as North Glenn, First Filing. At the present time, over 200 houses are under construction in this area and it is expected about 400 will be built by the end of 1959. Mr. Primack and his partners expect to build approximately



1800 homes plus a commercial and industrial development area in Section 11, North Glenn Second Filing. The partners and Northwest Utilities have entered into a Utility Extension Policy Contract, a copy of which, marked Exhibit No. 1, was identified and submitted at the hearing. This contract is similar in nature to a contract previously approved by this Commission in regard to North Glenn, First Filing. This contract, among other things, provides that the builder (Primack and Partners) will construct and install all the water distribution mains, laterals and fire hydrants in the subdivision, together with all necessary sewer collection facilities, sewer lift stations, and sewer outfall line, connecting the development to the sewage disposal plant of the utility. In return, the utility will reimburse the developer over a period of fifteen years by a payment of 15% of gross revenues obtained from the customers in said development. For accounting purposes, any unrefunded portions of the costs incurred by the developer for the installation of facilities either water or sewer will at the end of the fifteen-year period be placed in the account "contributions in aid of construction." This contract also provides the terms and conditions under which the developer will furnish to the utility certain shares of stock in either the Farmers' Highline Canal and Reservoir Company or shares of stock in Farmers' Reservoir and Irrigation Company; the acquisition of this stock being necessary as a source of water to supply North Glenn, Second Filing.

Engineering witness testified at the hearing that the water system proposed to be laid out in Section 11 will tie in with the existing system in Section 10 so as to provide a circulating system. The plans of both the water and sewer system have been designed to meet the requisite standards of the Department of Public Health of the State of Colorado and before construction is started, written approval will be obtained from the Health Department and a copy sub-

mitted to this Commission. Witness also testified as to the cost of the water and sewer systems and exhibits were introduced showing the details of said costs. Exhibit No. 4 gives the estimated cost of the sewage collection system at \$254,840 and Exhibit No. 5 estimates the water distribution system at \$502,585.

Mr. Charles Weinberg testified at the hearing that he and his father, Nathan Weinberg, operating as a partnership, are presently constructing homes in the Southeast Quarter of Section 24, Township 2-South, Range 68-West, a parcel of ground recently annexed to the City of Thornton. (Thornton Valley East). At the present time, approximately 20 homes have been constructed and they expect to build a total of 538 in the area. The partners have entered into a contract with Northwest Utilities Company to obtain water and sewage disposal service for this area.

Submitted as Exhibit No. 7 was a copy of the Extension Policy Contract between the partners and Northwest Utilities Company. This contract is similar to the contract previously referred to as Exhibit No. 1. Exhibit No. 7 also provides for a fifteen-year period pay back to the partnership and also requires the partners to provide the water distribution mains and the sewage collection lines, together with certain shares of water in the Colorado Agricultural Canal Company and the adjudication of such shares to permit the use of the water for domestic purposes. In the event this is not accomplished, the partners will provide the utility with four shares of Farmers' Highline Canal stock and a share in the "Tuck Lateral," or the equivalent, as a substitution for said Agricultural water previously referred to.

An engineering witness testified in regard to the preliminary plans and layout of water and sewer system for Thornton Valley East. They also estimated that it would cost approximately \$60,000 for the water mains and \$60,000 for the sewer collection system for

this area. Final plans for both water and sewer will be submitted to the Department of Public Health for approval prior to proceeding with the work. A copy of the written approval so obtained will be filed with this Commission. The area involved will be developed on a step by step basis in approximately five increments as the building and sale of homes progresses. The cost for the initial portion of the water system was estimated at \$19,000 and \$8,500 for the initial phase of the sewer system.

Mr. Samuel Joseph, Manager and Vice President of Northwest Utilities Company testified that the Company has been in business since 1954 rendering water and sewer service in the Thornton area. All of the area in which it serves has previously been certificated by this Commission. At the present time, the Company is rendering service to approximately 2,550 customers serving between 9,000 and 10,000 people. It has been the policy of the Company to enter into extension contracts with builders in the area which provide generally that the builders will construct according to the utility specifications the water distribution lines and the sewer collecting lines in the various subdivisions. Northwest Utilities is a subsidiary of General Water Works Corporation and it obtains the additional finances that it requires from its parent. Normally, Northwest provides the water treatment and storage facilities necessary to deliver the water. It also provides sewage treatment for the areas which it serves. The expansion of the water and sewage systems is geared to the construction of homes in the various areas, and the Company endeavors by stage construction to plan in advance for building the equipment necessary to render adequate water and sewage disposal service. The Company has for a source of water supply a battery of shallow wells, deep wells to the Arapahoe and Fox Hills formations as well as surface water obtained from agricultural ditches in the area.

The shallow well water and ditch water is treated prior to distribution to the customers. The Company also maintains raw water storage and clear water storage. The Company is presently in the process of constructing an additional three million gallon clear water storage tank.

Mr. Joseph submitted and testified to Exhibit No. 9, purporting to show the availability and proposed use of water by the Company. Based upon past experience of the Company in regard to the use of water by the customers and the availability of water from the various sources, this exhibit shows that the Company would have sufficient water to supply its existing customers and 1800 additional homes in North Glenn and 573 homes in Thornton Valley East. The exhibit was predicated upon 10,238 homes and as shown previously in this record, the Company is now serving approximately 2,550 homes. In projecting the ultimate number of homes in this exhibit, there is a considerable period of time involved since construction in certain of subdivisions heretofore authorized has not yet begun. It was the opinion of the witness that the Company has ample water to supply the needs of the ultimate number of homes planned to be constructed under stages of construction as planned.

An engineering witness testified on behalf of the Company and submitted Exhibits Nos. 11, 12 and 13, being the plans for the expansion of the water and sewer systems, together with specifications thereon to take care of the additional customers proposed in these applications. The first phase of the construction for the enlargement of the sewer plant was to start within a few days. The first phase of the plans have been approved by the Department of Public Health. The water system is also being expanded and a booster pump is already in place to pump the water from the new three million gallon storage tank to the North Glenn area. The Company is awaiting shipment of the tank prior to installation. It is contemplated that

all plans and specifications will be approved by the Department of Public Health prior to construction on the various phases.

Submitted as Exhibit No. 10 is a copy of the Loan Agreement by and between Northwest Utilities Company and its parent, General Water Works Corporation, whereby General agrees to loan Northwest up to \$750,000 for investment in plant facilities, or the acquisition of physical properties. Upon the execution of the Promissory Notes by Northwest, the parent company proposes to charge Northwest one-half percent (1/2%) per annum, above the cost of short-term borrowings of General Water Works Corporation. This agreement expires June 4, 1960. The amount of money estimated by the witness as Northwest Utilities investment in water and sewer systems for both projects contemplated herein would be between one-quarter million and one-half million dollars. This money would probably be expended over a period of two or three years with a major portion probably in 1960. The fee for the issuance of the certificate sought herein will be based on the amount of \$250,000, but shall not be binding on the Commission should the question of valuation or rates be at issue.

As in other proceedings before this Commission with this Company, the question of water rights has arisen. The evidence submitted at the various hearings has been to the effect that this Company is entitled to use the water it controls for domestic purposes. As a water company it is the duty and obligation of Northwest to supply its customers with adequate, potable water sufficient for their needs. In the past, we have been assured by the parent company, General Water Works Corporation, that if it ever becomes necessary, it will defend the water rights of Northwest for the benefit of the consuming public who are dependent upon these waters for domestic use. With the addition of more areas and customers, this assurance must of necessity take on added weight, and we will hold General to its commitments.



In the past, the Commission has required Northwest to file quarterly reports with this Commission, keeping it advised of the growth of the Company and the statistics on its water supply. The Commission is thus kept abreast of the development and plans of the utility in the areas involved, both in regard to supplying water and sewage disposal. We will require in our Order to follow that the quarterly reports be filed as in the past.

Also as we have stated in a previous order, this Commission will permit Applicant to earn only on that portion of its capital investment which the utility has financed or paid for under the repayment schedule under its extension policy contracts. Repayments under these contracts are not to be considered as operating expenses.

In view of the evidence and testimony presented in this matter, we are of the opinion that public convenience and necessity requires the proposed extension of Northwest Utilities Company's certificate of public convenience and necessity for the rendition of water and sewer disposal service in the areas involved in the instant applications and that a certificate should be granted therefor. We will also approve the extension policy contracts as requested.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above Statement be made a part of these Findings by reference.

That this Commission has jurisdiction over Applicant herein and of the subject matter of the instant applications.

That public convenience and necessity require the construction, maintenance and operation by Northwest Utilities Company of both a water and sewer system in the area known as North Glenn, Second Filing, more particularly described in the Order to follow, and the construction of an outfall sewer line from said area to Applicant's



sewage disposal plant, and that a certificate of public convenience and necessity should issue therefor.

That the Utility Extension Policy Contract by and between Northwest Utilities Company, General Water Works Corporation and Jordon Permutter, Samuel Primack, and William J. Morrison, as set forth in Exhibit No. 1, should be authorized and approved.

That public convenience and necessity require the construction, maintenance and operation by Northwest Utilities Company of both a water and sewer system in the area designated as Thornton Valley East, as more fully described in the Order to follow, and that a certificate of public convenience and necessity should issue therefor.

That the Utility Extension Policy Contract between Northwest Utilities Company and Charles and Nate Weinberg, submitted as Exhibit No. 7 herein, should be authorized and approved.

That Applicant should continue to file Quarterly Progress Reports with this Commission.

That Applicant should construct, operate and maintain said water and sewer system in accordance with the rules and regulations of this Commission and the Department of Public Health of the State of Colorado.

That Applicant should obtain written approval from the Department of Public Health for the construction plans of the water and sewer systems proposed herein prior to construction, and file a copy of said approval with this Commission.

#### O R D E R

#### THE COMMISSION ORDERS:

That this Order shall be taken, deemed and held to be a certificate of public convenience and necessity to Northwest Utilities Company, Thornton, Colorado, for the construction, maintenance and operation of both a water and sewer system to supply service to 1800

taps to be located in Section 11, Township 2-South, Range 68-West, of the 6th P. M., Adams County, Colorado, known as North Glenn, Second Filing.

That the Utility Extension Policy Contract submitted as Exhibit No. 1 at the hearing by and between Northwest Utilities Company, General Water Works Corporation and Jordon Perlmutter, Samuel Primack and William J. Morrison, be, and it hereby is, approved.

That this Order shall be taken, deemed and held to be a certificate of public convenience and necessity to Northwest Utilities Company for the construction, operation and maintenance of an outfall sewer line in Section 11, Township 2-South, Range 68-West to Applicant's sewage disposal plant located in Section 25, Township 2-South, Range 68-West, all in Adams County, Colorado.

That this Order shall be taken, deemed and held to be a certificate of public convenience and necessity to Northwest Utilities Company for the construction, maintenance and operation of both a water and sewer system to supply service to 573 taps in Thornton Valley East, described as follows:

"North 85 Acres of the Southeast 1/4 of Section 24, Township 2 South, Range 68 West, except those parts and parcels of said land which were conveyed to the Lower Clear Creek Ditch Company by Deed recorded in Book 97, Page 214 and re-recorded in Book 97, Page 472 and by Deed recorded in Book 120, Page 529, containing .88 of an acre, more or less, according to United States Government Survey thereof.

The South 75 acres of the Southeast 1/4 of Section 24, Township 2 South, Range 68 West, Adams County, Colorado.

Parcel in the North 1/2 of Southwest 1/4, Section 24, Township 2 South, Range 68 West of 6th P. M., described as follows: Beginning at a point 440 yards south of the center of said Section along the dividing line north and south of said Section; thence due West 147 feet to a ditch; thence along the line of said ditch in a Northeasterly direction 309 feet to point of intersection of said dividing line of said Section; thence South along said line to the point of beginning.

That the Utility Extension Policy Contract submitted at the hearing as Exhibit No. 7 by and between Northwest Utilities Company and Charles and Nate Weinberg be, and it hereby is, authorized and approved.

That Applicant shall construct, maintain and operate both a water and sewer system authorized herein in accordance with good engineering practices and in conformity with the rules and regulations of this Commission and the Department of Public Health of the State of Colorado.

That prior to the rendering of any water or sewer service in the area heretofore designated, Applicant shall obtain written approval of its construction plans from the Department of Public Health of the State of Colorado, and shall file a copy of said approval with this Commission.

That the rates, rules and regulations of Applicant now on file with this Commission shall be the rates, rules and regulations applicable to water and sewage service in the designated areas until changed by Order of this Commission or according to law.

That Applicant shall keep separate as between water and sewage systems the property accounts, records, income and expenses and shall maintain its accounts in accordance with the Uniform System of Accounts as prescribed by this Commission.

That Applicant shall, at the completion of its construction program, file with this Commission separately, the "as constructed" plans of water and sewer systems, together with itemized cost of each system.

That at the time the Applicant furnishes the quarterly report required herein, it shall also furnish a copy of such report to the Veterans Administration, the Federal Housing Authority and the Mayor of Thornton, Colorado.

That this Commission shall retain jurisdiction of this matter to issue such further Order or Orders as may be necessary.

This Order shall become effective as of the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Hahon  
Alvin G. Delaney  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of January, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
UNION RURAL ELECTRIC ASSOCIATION, )  
INC., BRIGHTON, COLORADO, FOR AU- )  
THORITY TO EXTEND FACILITIES IN ) APPLICATION NO. 17582-Extension  
THE SOUTHEAST QUARTER OF SECTION )  
25, TOWNSHIP 1-NORTH, RANGE 67-WEST. )  
- - - - - )

- - - - -  
January 15, 1960  
- - - - -

S T A T E M E N T

By the Commission:

On January 5, 1960, Union Rural Electric Association, Inc., filed an application with this Commission for authority to extend its facilities by building about 630 feet of single-phase primary line to serve Moore & Briggs, located in the Southeast Quarter of Section 25, Township 1-North, Range 67-West, south from near the Southwest corner of the Town of Wattenburg. The estimated cost of this construction is \$654.00.

This application was filed pursuant to the Commission's order in Application No. 13576 - Case No. 5108, Decision No. 47074, of January 7, 1957, which set forth the procedure for obtaining authority to extend facilities distances exceeding 300 feet in length. Applicant has elected by the instant application plan (b) of said order, which provides for the Commission to issue the authority without a hearing if it so decides, and if there are no protests.

The Commission has examined the record and files herein, and believes that this matter is one which can be decided without a formal hearing, and being fully informed in the matter, will issue its order granting the construction as requested. The Commission has received a letter from Public Service Company of Colorado, dated January 7, 1960, and a letter from Colorado Central Power Company, dated January 6, 1960, both of said letters stating, in effect, that

the respective companies have no objection to the granting of the authority sought by the instant application.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That applicant has complied with the Commission's order in Decision No. 47074 previously referred to, and there being no objection by interested parties, the authority as requested should be issued without hearing.

That public convenience and necessity require the rendering of electric service to serve Moore & Briggs, located in the Southeast Quarter of Section 25, Township 1-North, Range 67-West, and that Union Rural Electric Association, Inc. should be authorized to render said service.

### O R D E R

#### THE COMMISSION ORDERS:

That Union Rural Electric Association, Inc., Brighton, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity, to extend its facilities to serve Moore & Briggs, located in the Southeast Quarter of Section 25, Township 1-North, Range 67-West, all in accordance with the application for electric service signed by and between the parties, a copy of which was filed with the Commission in the instant matter, and which, by reference, is made a part hereof.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Joseph F. Hager  
Ralph C. Holton  
Henry J. Paulsen  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of January, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF)  
LUNA E. WHITTAKER, BOX 363, EVANS, )  
COLORADO, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----)

APPLICATION NO. 17555

-----  
January 15, 1960  
-----

Appearances: John Dooley, Esq., Greeley,  
Colorado, for Applicant;  
John J. Althoff, Esq., Greeley,  
Colorado, for Protestant  
George Downing.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, for the transportation of ashes and trash, from points within a ten-mile radius of the City of Greeley, Weld County, Colorado, to the nearest provided dump for such purpose.

Said application was regularly set for hearing before the Commission, at the Court House, Greeley, Colorado, December 29, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 28, 1959, as provided by law, the Commission designated Louis J. Carter, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of the Examiner states that at the hearing, Applicant appeared and testified in support of his application, stating

he has been engaged in transportation of ashes, trash, and other waste materials in the area sought to be served herein since 1937, except for a period of two years; that his operation has been continuous since 1956; that there are approximately 40,000 people in the territory sought to be served; that he has several customers requiring extensive service; that there is a need for his service; that he is the owner of a 1942 one and one-half-ton truck; that he has a net worth of \$3,500.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

Report of the Examiner recommends that authority herein sought be granted.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That public convenience and necessity require applicant's motor vehicle common carrier service, on call and demand, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above Findings be, and the same hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Luna E. Whittaker, Evans, Colorado, for the transportation of ashes, trash, and other waste materials in the City of Greeley, and an area surrounding Greeley within a radius of thirteen miles from the intersection of Ninth Street and Ninth Avenue, in the City of Greeley,

and from points in said territory, to regularly-designated and approved dumps and disposal places in Weld County, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Horton  
Don H. Paulsen  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of January, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE PETITION OF )  
THE DENVER AND RIO GRANDE )  
WESTERN RAILROAD COMPANY TO )  
WITHDRAW ITS AGENCY AT FRASER, )  
COLORADO, )  
- - - - - )

APPLICATION NO. 17529  
(Under Rule No. 6)

- - - - -  
January 15, 1960  
- - - - -

S T A T E M E N T

By the Commission:

Pursuant to Rule 6 of this Commission's Rules and Regulations Pertaining to Railroads and Express Companies Operating in the State of Colorado, The Denver and Rio Grande Western Railroad Company, by W. C. Horner, Superintendent of Transportation, did on November 24, 1959, file its Petition requesting authority to withdraw its agent from the station at Fraser, Colorado, and thereafter to maintain Fraser as a non-agency station, said withdrawal to be effective on January 1, 1960.

Fraser is located on applicant's railroad approximately fourteen miles east of Granby, both of said stations being served by U. S. Highway No. 40 which is a paved transcontinental highway. The current agency service at Fraser is provided Monday through Friday, from 7:30 A. M. to 4:30 P. M., with the office closed on Saturday, Sunday and Holidays. These same hours of service are also maintained at Granby, Colorado.

Applicant states that an agent is not required at Fraser for the safe operation of train service on applicant's railroad. That less-than-carload freight shipments by rail have been handled in substituted truck service to and from Fraser, with store-door pickup and delivery service furnished to consignors and consignees.

That for many years the mail to and from Fraser has been handled via a star route. That shipments of milk and cream from Fraser are very few and persons desiring to ship milk or cream can meet the trains and deliver their cans to the train crew or else such persons can leave their cans in the depot where they will be picked up by the train crew.

That the billing on carload freight shipments to and from Fraser can be handled satisfactorily for all concerned by the petitioner's agent at Granby, Colorado.

There is only one passenger train which makes regular stops at Fraser, and this is petitioner's Yampa Mail, which operates between Denver and Craig, Colorado. The withdrawal by petitioner of its agent at Fraser will result in no change in passenger service because any passengers desiring to board trains at Fraser may purchase their tickets from the conductors on the train.

It is stated further that applicant's revenue at Fraser does not justify maintenance of the agent services, and request is therefore made to withdraw the agent as a means toward more economical and efficient railway operation.

As a matter of public information and pursuant to the Commission's rule herein, appropriate notice of the proposed change in service was posted at the depot in Fraser, Colorado, on November 27, 1959, said notice indicating also that any protests to the proposed service change should be forwarded to the Commission.

No protests have been received by the Commission; however, investigation has been made at the station and the following summary is indicative of the station work. Since L.C.L. shipments are handled by truck service, there will be no change. The following summary therefore shows carload movements:

Commodity	FRASER - Carload Movements					
	1957		1958		1959 (6 Mos.)	
	<u>Fwd.</u>	<u>Rec.</u>	<u>Fwd.</u>	<u>Rec.</u>	<u>Fwd.</u>	<u>Rec.</u>
Livestock	3		11			
Poles & Logs	271		242		193	
Other Merchandise				1		
Coal		5		2		
Lumber				1		
Total -	274	5	253	4	193	0

Regarding service to the public, we note only eight carload shipments were handled in 1957, fifteen in 1958, and none in 1959. While the remaining activity in "Poles and Logs" appears quite large in comparison, the average loading of cars per month was:

1957 - 23  
1958 - 20  
1959 - 32

These shipments were all directed to the same destination -- Koppers Company, Inc., at Denver, Colorado, and moved as routine handling by the train crews at times when the agent was not on duty.

Meanwhile, we see the rising trend in station costs as follows:

TOTAL OPERATING EXPENSES  
Fraser, Colorado

1957	\$5,815.89
1958	6,162.61
1959 (6 mos.)	3,343.81

Our other inquiry indicates that working time for the agent was approximately one hour per day to handle the railroad business. As noted previously, a regular passenger stop is made daily by only one train, being the Yampa Mail, as follows:

Westbound - Denver to Craig - Stop at Fraser 11:04 A. M.  
Eastbound - Craig to Denver - Stop at Fraser 1:11 P. M.

Following is a tabulation of:

OTHER STATION BUSINESS  
Fraser, Colorado

<u>Year</u>	<u>Passenger Revenue</u>	<u>Milk, Cream, Baggage</u>	<u>Western Union</u>	<u>Totals</u>
1957	\$866	\$72	\$108	\$1,046
1958	624	59	120	803
1959 (6 mos.)	301	32	67	400

Relative to our inquiry in the above station activity and considering the cold climate of the area, Rio Grande proposed the following:



1. Waiting room in the depot will be kept open for the use of persons desiring to board passenger trains.
2. A portion of the waiting room in the depot will be partitioned and screened off as space for milk and cream cans.

Relative to the service rendered to the public by an agent at Fraser, it now appears that there is a continuing decline in need for said service and a rising trend in cost thereof. It appears that the railroad proposal to maintain a waiting room will meet the needs of passenger arrivals and departures during the daylight hours. Billing of carload movements at points other than origin or destination is common railroad practice, and an alternate agency service in the area will be available at Granby. Handling of train movements is a separate operating function and is now largely mechanized by the use of Centralized Traffic Controls.

It is therefore the belief of the Commission that the proposed change is compatible with the public interest and the Commission has therefore determined to hear, and has heard, said matter, forthwith, without further notice, upon the records and files herein.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That safe and economical railroad operation does not require the maintenance of the Fraser Agency.

That public convenience and necessity in this area can be adequately served by the Granby Agency Station and substituted facilities.

That the authority sought in the instant application should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That the above Statement and Findings be made a part hereof.

That The Denver and Rio Grande Western Railroad Company be, and it hereby is, authorized to withdraw its agent from the station


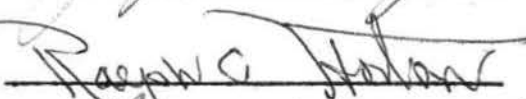

at Fraser, Grand County, Colorado, and to thereafter maintain Fraser as a non-agency station.

That The Denver and Rio Grande Western Railroad Company shall continue to provide waiting room facilities and cream-can storage in the depot at Fraser, Colorado.

That reference shall be made to this decision in the tariff schedules showing the closing of said station, as authority for such action.

That this Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of January, 1960.

ea

(Decision No. 53695)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ART L. PINGEL, SEDGWICK, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VE- )  
HICLE FOR HIRE. )

APPLICATION NO. 17489-PP  
SUPPLEMENTAL ORDER

January 15, 1960

Appearances: Art L. Pingle, Sedgwick,  
Colorado, pro se;  
Echo Pingel, Sedgwick,  
Colorado, for Applicant;  
Howard Yelverton, Denver,  
Colorado, for North East-  
ern Motor Freight, Inc.;  
William Brumfield, Ft. Mor-  
gan, Colorado, for Atwood  
Truck Line;  
William Ahnstedt, Holyoke,  
Colorado, for Ahnstedt  
Truck Line;  
Harold Yost, Haxtun, Colo-  
rado, for V Y Truck Line.

S T A T E M E N T

By the Commission:

On December 3, 1959, the Commission entered its Decision  
No. 53468 in the above-styled application.

On December 10, 1959, "Petition for Rehearing" was filed  
with the Commission by North Eastern Motor Freight, Inc., by Howard  
Yelverton, General Manager, Denver, Colorado.

Inasmuch as formal Order was not entered by the Commission  
within twenty days from date of Order complained of,

F I N D I N G S

THE COMMISSION FINDS:

That said Petition for Rehearing is denied by operation of  
law.

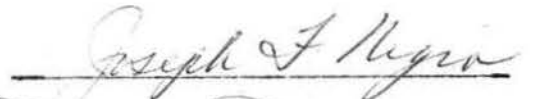
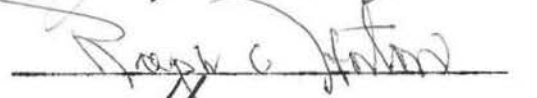

O R D E R

THE COMMISSION ORDERS:

That "Petition for Rehearing," filed with the Commission on December 10, 1959, in the above-styled application, by North Eastern Motor Freight, Inc., by Howard Yelverton, General Manager, Denver, Colorado, is denied, by operation of law.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of January, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GERALD E. THOMPSON, DOING BUSINESS )  
AS "NO DELAY TRASH SERVICE," 3143 )  
MARION STREET, DENVER, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY. )

APPLICATION NO. 17095  
SUPPLEMENTAL ORDER

January 15, 1960

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, July 6, 1959, due notice of the time and place of hearing being forwarded to parties in interest.

Notwithstanding said notice, applicant failed to appear, either in person or by counsel, at the time and place designated for hearing.

Thereupon, protestants moved that said application be dismissed for lack of prosecution.

The matter was taken under advisement.

On July 8, 1959, the Commission entered its Decision No. 52644 and dismissed the application for lack of prosecution. Since that time and just recently the Commission has been informed, and so believes, that the applicant has been hospitalized for many months, and has been seriously ill, which condition was the reason for the applicant's lack of prosecution of his application.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission's Decision No. 52644, dated July 8,

1959, should be vacated and the application be reinstated and re-set for hearing, said order to be a nunc pro tunc order as of July 17, 1959.



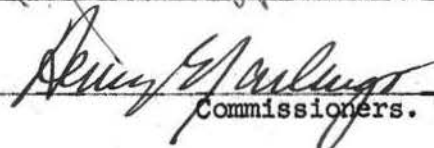
O R D E R

THE COMMISSION ORDERS:

That Decision No. 52644, dated July 8, 1959, be, and the same hereby is, vacated, nunc pro tunc, as of July 17, 1959, and the application herein be, and the same hereby is, reinstated, and re-set for hearing at some future date convenient to the Commission, with notice to all interested parties.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of January, 1960.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RIO GRANDE MOTOR WAY, INC., 775 )  
WAZEE STREET, DENVER, COLORADO, FOR )  
AUTHORITY TO ABANDON PASSENGER, MAIL, ) APPLICATION NO. 2325-B  
BAGGAGE AND EXPRESS SERVICE BETWEEN )  
DILLON AND BRECKENRIDGE, COLORADO. )  
----- )

-----  
January 18, 1960  
-----

Appearances: T. A. White, Esq., Denver,  
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

By the above-styled application, Rio Grande Motor Way, Inc., Denver, Colorado, sought authority to abandon passenger, mail, baggage and express service between Dillon and Breckenridge, Colorado.

The Commission is now advised that subsequent to the filing of said application, Rio Grande Motor Way, Inc. sold the operating rights herein involved to Continental Trailways, and therefore has no further interest in the matters and things covered by Application No. 2325-B, and requests dismissal thereof.

F I N D I N G S

THE COMMISSION FINDS:

That the above-styled Statement is hereby made a part of these Findings, by reference.

That the above-styled application should be dismissed, upon request of Applicant herein.

O R D E R

THE COMMISSION ORDERS:

That Application No. 2325-B be, and the same hereby is, dismissed, upon request of Applicant herein.

This Order shall become effective as of the day and date  
hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ramona C. Hottel  
Henry E. Mulvey  
Commissioners

Dated at Denver, Colorado,  
this 18th day of January, 1960.

ea

\*\*\*\*\*

PERMIT NO. M-14067

January 26, 1960

## STATEMENT

The Commission is in receipt of a communication from Onesimo A. Mestas,  
Trinidad, Colorado

requesting that Permit No. M-14067 be cancelled.

## FINDINGS

That the request should be granted.

## ORDER

That Permit No. M-14067, heretofore issued to Onesimo A. Mestas,  
Trinidad, Colorado be,

and the same is hereby, declared cancelled effective October 31, 1959.

Joseph F. Nigro  
Ralph C. Norton  
Henry E. Zalusky  
Commissioners

this 26th day of January, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GEORGE C. DILLER, 513 - 30TH ROAD, )  
GRAND JUNCTION, COLORADO. )  
 )  
 )  
 )  
 )  
----- )

PERMIT NO. B-5333

-----  
January 26, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from George C. Diller,  
Grand Junction, Colorado  
requesting that Permit No. B-5333 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5333, heretofore issued to George C. Diller,  
Grand Junction, Colorado be,  
and the same is hereby, declared cancelled effective January 13, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
George C. Norton  
Henry E. Zaulings  
Commissioners

Dated at Denver, Colorado,

this 26th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CAL-PACIFIC DENVER, INCORPORATED, )  
3227 WEST NEVADA PLACE, DENVER 19, )  
COLORADO. )  
----- )

PERMIT NO. M-13219

January 26, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Cal-Pacific Denver,  
Inc., Denver 19, Colorado  
requesting that Permit No. M-13219 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13219, heretofore issued to Cal-Pacific Denver,  
Inc., Denver 19, Colorado be,  
and the same is hereby, declared cancelled effective January 9, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Norton  
Henry E. Zullinger  
Commissioners

Dated at Denver, Colorado,

this 26th day of January, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JOHN REINICK, DOING BUSINESS AS, )  
"YUMA RENDERING SERVICE", 116 EAST )  
3RD AVENUE, YUMA, COLORADO. )  
----- )

PERMIT NO. M-13981

-----  
January 26, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from John Reinick, doing  
business as, "Yuma Rendering Service", Yuma, Colorado  
requesting that Permit No. M-13981 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13981, heretofore issued to John Reinick, doing  
business as, "Yuma Rendering Service", Yuma, Colorado be,  
and the same is hereby, declared cancelled effective December 17, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Horton  
Henry E. Zaulings  
Commissioners

Dated at Denver, Colorado,

this 26th day of January, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

L. M. SELLECK, DOING BUSINESS AS,  
"SELLECK POULTRY AND EGG COMPANY",  
802 WEST 29TH, PUEBLO, COLORADO.  
-----)

PERMIT NO. M-8796

-----  
January 26, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from L. M. Selleck,  
doing business as, "Selleck Poultry and Egg Company", Pueblo, Colorado  
requesting that Permit No. M-8796 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8796, heretofore issued to L. M. Selleck, doing  
business as, "Selleck Poultry and Egg Company", Pueblo, Colorado be,  
and the same is hereby, declared cancelled effective January 9, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Samuel C. Horton  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 26th day of January, 195/ 60.

\*\*\*\*\*

PERMIT NO. M-1916

STATEMENT

requesting that Permit No. M-1916 be cancelled.

That the request should be granted.

and the same is hereby, declared cancelled effective January 12, 1960.

Joseph F. Nigro  
 Ralph C. Hobart  
 Hugh E. Zarling  
 Commissioners

# hc

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HARRY B. HAWKS, 220 NORTH TOWNSEND, )  
MONTROSE, COLORADO, FOR AUTHORITY )  
TO EXTEND OPERATIONS UNDER PERMIT )  
NO. B-1365 AND PERMIT NO. B-1365-I. )  
----- )

APPLICATION NO. 17578-PP-Extension  
AMENDED

-----  
January 19, 1960  
-----

Appearances: T. L. Brooks, Esq., Montrose,  
Colorado, for Applicant;  
Marion R. Smyser, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to extend operations  
under Permit No. B-1365 and B-1365-I.

Said application was regularly set for hearing before the  
Commission, at the Court House, Montrose, Colorado, January 6, 1960,  
at ten o'clock A. M., due notice thereof being forwarded to all  
parties in interest.

On January 4, 1960, the Commission, as provided by law,  
designated Edwin R. Lundborg, an employee of this Commission, to  
conduct the hearing on said application, he thereafter to submit a  
report of said proceedings to the Commission.

Report of the Examiner states that at the time and place  
designated for hearing, Attorney for Applicant requested that said  
matter be continued, in order that an amendment might be filed to  
said application.

Report of said Examiner recommends that said request be  
granted.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part

of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That the above-styled application should be continued, to be later re-set for hearing before the Commission, with notice to all parties in interest.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above Findings be, and the same hereby is, approved.

That Application No. 17578-PP be, and the same hereby is, continued, to be later re-set for hearing before the Commission, on a date to be determined by the Commission, with notice to all parties in interest.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of January, 1960.

ea

original

(Decision No. 53705)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
HICKERSON BROS. TRUCK COMPANY, INC., )	
GREAT BEND, KANSAS, FOR AUTHORITY )	APPLICATION NO. 17526-Transfer
TO TRANSFER PUC NO. 1326 TO R. C. )	<u>SUPPLEMENTAL ORDER</u>
WILLIAMS, INC., RUSSELL, KANSAS. )	
----- )	

-----  
January 19, 1960  
-----

Appearances: James Delaney, Esq., Denver,  
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

By Decision No. 53604, of date January 5, 1960, this Commission authorized transfer of operating rights known as "PUC No. 1326" from Hickerson Bros. Truck Company, Inc., Great Bend, Kansas, to R. C. Williams, Inc., Russell, Kansas, it therein being provided that said operating rights be assigned a new number, inasmuch as operating rights known as "PUC No. 1326-I" were being retained by transferor herein.

R. C. Williams, Inc., transferee herein, is presently the owner and operator of PUC No. 1454-I, and now requests that authority authorized to be transferred to it pursuant to Decision No. 53604 be designated as "PUC No. 1454."

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That operating rights heretofore known as "PUC No. 1326," authorized to be transferred from Hickerson Bros. Truck Company, Inc., Great Bend, Kansas, to R. C. Williams, Inc., by Decision No.

53604, of date January 5, 1960, are hereby designated as "PUC  
No. 1454."

This Order shall become effective as of the day and date  
hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Holm  
Don E. Huggs  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of January, 1960.

ea



original

(Decision No. 53706)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CHARLIE W. BURBRIDGE, BOX 23, NUCLA, )  
COLORADO, FOR AUTHORITY TO EXTEND ) APPLICATION NO. 17574-PP-Extension  
OPERATIONS UNDER PERMIT NO. B-5832. )  
----- )

-----  
January 19, 1960  
-----

Appearances: Charlie W. Burbridge,  
Nucla, Colorado, pro se.

S T A T E M E N T

By the Commission:

By the above-styled application, applicant herein sought authority to extend operations under Permit No. B-5832.

Said application was regularly set for hearing before the Commission, at the Court House, Montrose, Colorado, January 6, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 4, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, Applicant herein appeared and stated said application had been filed in error; that he will be buying and selling coal, which would require a Commercial Carrier Permit.

Report of the Examiner recommends that a Commercial Carrier Class "M" Permit be issued to applicant herein, and that the above-styled application be dismissed.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That Application No. 17574-PP should be dismissed.

That a Commercial Carrier Class "M" Permit should issue to applicant herein.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above Findings be, and the same hereby is, approved.

That Application No. 17574-PP be, and the same hereby is, dismissed, upon request of Applicant herein.

That a Commercial Carrier Class "M" Permit shall be issued to Applicant herein, in lieu of authority sought by the above-styled application.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Regio

Robert C. Holman

Donald J. Polanco  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of January, 1960.

ea

original

(Decision No. 53707)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HOYT DEAVER, BOX 971, CRAIG, )  
COLORADO. )  
-----

PERMIT NO. B-1994

-----  
January 19, 1960  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Hoyt Deaver, Craig, Colorado, owner and operator of Permit No. B-1994, requesting authority to conduct operations under said permit under the trade name and style "Hoyt Deaver and Son."

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the Secretary of the Commission is hereby instructed to change the records of the Commission to show that Permit No. B-1994 is owned and operated by:

"Hoyt Deaver, doing business as  
'Hoyt Deaver and Son,'"

in lieu of:

"Hoyt Deaver."

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Hutton  
Henry J. Williams  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of January, 1960.

mls

original

(Decision No. 53708)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
J. C. BARKER, 601 STRUTHERS AVENUE, )  
GRAND JUNCTION, COLORADO, FOR AUTH- )  
ORITY TO TRANSFER PERMIT NO. B-2156 ) APPLICATION NO. 17570-PP-Transfer  
TO J. C. IRWIN, 3212 F ROAD, CLIFTON, )  
COLORADO. )  
-----

-----  
January 19, 1960  
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Appearances: Elder and Webster, Esqs., by  
H. K. Webster, Esq., Grand  
Junction, Colorado, for  
Applicants.

S T A T E M E N T

By the Commission:

Heretofore, J. C. Barker, Grand Junction, Colorado, was granted  
authority to operate as a private carrier by motor vehicle for hire (Per-  
mit No. B-2156), authorizing transportation of:

farm products, including livestock, barnyard  
fertilizer, and farm supplies, from, to, and  
between Glade Park, Fruita, Palisade, and  
Grand Junction, Colorado, via U. S. Highways  
Nos. 24 and 40, and the so-called "Serpent  
Trail Road," and between points within a ra-  
dius of twenty-five miles of Glade Park, to  
any point in the State of Colorado, and from  
any point in the State of Colorado to the area  
contained within said twenty-five-mile radius  
of Glade Park, Colorado, provided, however,  
that no service between towns shall be rendered  
in competition with established line-haul com-  
mon carriers.

By the above-styled application, said permit-holder seeks auth-  
ority to transfer said operating rights to J. C. Irwin, Clifton, Colorado.

Said application was regularly set for hearing before the Com-  
mission, at the Court House, Grand Junction, Colorado, January 5, 1960,  
at ten o'clock A. M., due notice thereof being forwarded to all parties  
in interest.

On January 4, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of the Examiner states that J. C. Barker, transferor herein, appeared at the hearing and testified in support of the application, stating he is the owner of Permit No. B-2156, and has been operating thereunder since November 2, 1952; that the consideration for transfer of said operating rights is the sum of \$5,000; that there are no unpaid operating obligations against said permit.

Report of said Examiner further states that J. C. Irwin, transferee herein, also appeared at the hearing and testified in support of the application, stating he has a net worth of approximately \$300,000, financial statement being on file with the Commission; that the consideration for transfer of Permit No. B-2156 is \$5,000; that he has sufficient equipment with which to continue operations under said permit; that he is presently operating under Temporary Authority issued by this Commission.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of transferee were established to the satisfaction of the Commission.

Report of the Examiner recommends that authority herein sought be granted.

#### F I N D I N G S

##### THE COMMISSION FINDS::

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner re-

ferred to therein should be approved.

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings be, and the same hereby is, approved.

That J. C. Barker, Grand Junction, Colorado, be, and he hereby is, authorized to transfer all right, title, and interest in and to Permit No. B-2156 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to J. C. Irwin, Clifton, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The right of transferee to operate under this Order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit



up to the time of transfer of said permit.

This Order is made a part of the permit authorized to be transferred.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Robert C. Holm  
Paul G. Adams  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
W. A. GREEN, DOING BUSINESS AS "COLO- )  
RADO SPRINGS SIGHTSEEING COMPANY," )  
832 BONFOY, COLORADO SPRINGS, COLO- )  
RADO, FOR AUTHORITY TO TRANSFER PUC )  
NO. 134 TO COLORADO SPRINGS TRANSIT )  
COMPANY, 535 SOUTH CASCADE, COLORADO )  
SPRINGS, COLORADO. )

APPLICATION NO. 17070-Transfer  
SUPPLEMENTAL ORDER

-----  
January 19, 1960  
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Appearances: Horn and Anderson, Esqs., by  
R. E. Anderson, Esq., Colorado  
Springs, Colorado, for Appli-  
cants;  
Ben S. Wendelken, Esq., Colo-  
rado Springs, Colorado, for  
Pikes Peak Automobile Company,  
Colburn Motor Tours, Inc.,  
Hiawatha Tours, R. & P. Scenic  
Tours, Nevada Tours, Tarman  
Tours, R. P. Finney Sightsee-  
ing and Cadillac Sightseeing  
Company.

S T A T E M E N T

By the Commission:

On July 14, 1959, the Commission entered its Decision No. 52675, authorizing W. A. Green, doing business as "Colorado Springs Sightseeing Company," Colorado Springs, Colorado, to transfer PUC No. 134 to Colorado Springs Transit Company, Colorado Springs, Colorado, certain requirements for applicants being therein set forth.

The Commission is now in receipt of a communication from R. E. Anderson, Attorney for Applicants herein, requesting an extension of time within which to comply with the requirements of Decision No. 52675.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.


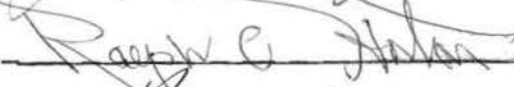

O R D E R

THE COMMISSION ORDERS:

That an extension of time, and until March 1, 1960, is hereby granted Applicants herein within which to comply with requirements of Decision No. 52675, of date July 14, 1959.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of January, 1960.

mls

original

(Decision No. 53710)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
KERR TRUCK COMPANY, A CORPORATION, )	
CAMEO, COLORADO, FOR AUTHORITY TO )	APPLICATION NO. 17571-PP-Extension
EXTEND OPERATIONS UNDER PERMIT NO. )	
B-4373. )	
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-----  
January 19, 1960  
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Appearances: Norman Hotchkiss, Esq., Grand  
Junction, Colorado, for  
Applicant;  
Marion R. Smyser, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc., W. R. Hall  
Transportation and Storage  
Company.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission, at the Court House, Grand Junction, Colorado, January 5, 1960, due notice thereof being forwarded to all parties in interest.

On January 4, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, Attorney for Applicant, with the consent of Protestants' Attorney, moved that said matter be continued.

Report of said Examiner recommends that said request be granted.

## F I N D I N G S

### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That the above-styled application should be continued, to be later re-set for hearing, with notice to all parties in interest.

## O R D E R

### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings be, and the same hereby is, approved.

That Application No. 17571-PP be, and the same hereby is, continued, to be later re-set for hearing before the Commission on a date to be determined by the Commission, with notice to all parties in interest.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Robert C. Nolan  
Henry J. Sullivan  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of January, 1960.

mls

original

(Decision No. 53711)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

WILLIAM SCHULTZ, JR.,  
MEEKER, COLORADO,  
  
Complainant,  
  
vs.  
  
HARP TRUCK LINE,  
MEEKER, COLORADO,  
  
Defendant.

CASE NO. 5173

January 19, 1960

Appearances: Frank Delaney, Esq., Glenwood  
Springs, Colorado, for Com-  
plainant;  
E. B. Evans, Esq., Denver,  
Colorado, for Defendant.

S T A T E M E N T

By the Commission:

On July 29, 1959, Complaint in the above-styled matter  
was filed with the Commission.

On July 30, 1959, Defendant herein was instructed to make an  
inspection of the shipment complained of, and to then notify Complain-  
ant whether or not Defendant would allow Complainant's claim, and to  
notify this Commission of compliance.

On August 14, 1959, the Commission received a letter from E.  
B. Evans, Attorney, for and on behalf of Defendant, advising that said  
claim was declined.

The Commission is now in receipt of a further communication  
from said E. B. Evans, requesting dismissal of the above-styled case,  
for the reason that it is beyond the jurisdiction of this Commission.

Inasmuch as the Commission has proceeded as far as possible



in this matter,

F I N D I N G S

THE COMMISSION FINDS:

That said case should be dismissed.

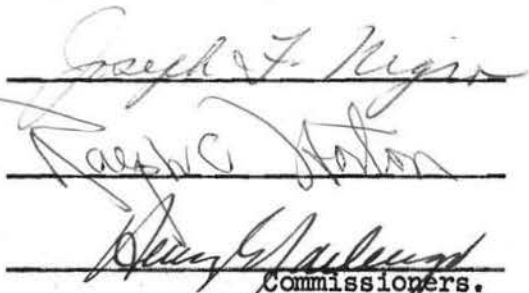
O R D E R

THE COMMISSION ORDERS:

That Case No. 5173 be, and the same hereby is, dismissed.

This Order shall become effective twenty-one days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of January, 1960.

mls

Original

(Decision No. 53712)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
RALPH RICHARDS, ROUTE 1, BRIGGSDALE,  
COLORADO, FOR AUTHORITY TO TRANSFER  
PUC NO. 3267 TO GORDON CASS AND  
NEIL CASS, CO-PARTNERS, ROUTE 1,  
BOX 8, BRIGGSDALE, COLORADO.

APPLICATION NO. 17537-Transfer  
SUPPLEMENTAL ORDER

January 19, 1960

Appearances: Gordon Cass, Briggsdale,  
Colorado, pro se;  
B. E. Whitmore, Johnstown  
Colorado, for Colorado  
Condensed Milk Company.

S T A T E M E N T

By the Commission:

On January 6, 1960, the Commission entered its Decision No. 53609 in the above-styled matter, authorizing transfer of PUC No. 3267 from Ralph Richards, Briggsdale, Colorado, to Gordon Cass and Neil Cass, co-partners, Briggsdale, Colorado.

It now appears that, through typographical error, the phrase:

"subject to payment of outstanding indebtedness  
against said certificate, if any there be,  
whether secured or unsecured."

was omitted from the second paragraph of the Order contained in said Decision No. 53609, appearing at the bottom of Page 2 thereof.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 53609 should be amended, nunc pro tunc, as of January 6, 1960, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 53609, of date January 6, 1960, be, and the

same hereby is, amended, nunc pro tunc, as of said 6th day of January, 1960, by adding the following phrase, as a continuation of the second paragraph of the Order contained in said Decision No. 53609, appearing at the bottom of Page 2 thereof:

"subject to payment of outstanding indebtedness against said certificate, if any there be, whether secured or unsecured."

That, except as herein amended, said Decision No. 53609 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
James C. Howard  
Henry E. Selig  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of January, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
MRS. ROSE WOKERSIN, DOING BUSI- )  
NESS AS "WOKERSIN MILK LINES," )  
LONGMONT, COLORADO. )  
-----

PERMIT NO. A-576

-----  
January 19, 1960  
-----

S T A T E M E N T

By the Commission:

On December 10, 1959, the Commission entered its Decision No. 53505, in Application No. 17508-PP-Transfer, authorizing transfer of Permit No. A-576 from James E. Evans, doing business as "Evans Trucking Company," Berthoud, Colorado, to Mrs. Rose Wokersin, doing business as "Wokersin Milk Lines," Longmont, Colorado.

The Commission is now in receipt of a communication from said Mrs. Rose Wokersin, requesting that the following operating rights be deleted from said Permit No. A-576:

In addition to the milk haul above: Transportation of (a) farm products (except livestock), from farms within a radius of six miles of Berthoud to storage and shipping points; (b) building materials only from Denver to Berthoud for the Gould Lumber Company and the Gilman Lumber Company, of Berthoud, only; (c) building materials for said companies, only, from Berthoud to points within a radius of six miles thereof, and to branch yards at Eaton, Wellington, Johnstown, LaPorte, and Wildes, and (d) transportation of cement from Fort Collins, and plaster from Loveland factories, to yards of said companies, "Fred Harsch Lumber Company" being later substituted in lieu of "Gilman Lumber Company;" addition of Longmont as one of the authorized branch yard points to be supplied with building materials from the Berthoud Yards; transportation of packaged petroleum products, from Berthoud to Johnstown, and transportation of rock from the Benson Quarry, located nine miles west of Berthoud, to points within a six-mile radius of Berthoud, Colorado.

## F I N D I N G S

### THE COMMISSION FINDS:

That said request should be granted.

## O R D E R

### THE COMMISSION ORDERS:

That operating rights under Permit No. A-576 be, and hereby are, amended, upon request of Mrs. Rose Wokerson, doing business as "Wokersin Milk Lines," Longmont, Colorado, owner and operator thereof, by deleting therefrom authority set forth in the Statement preceding, which is made a part hereof, by reference, so that in the future, said Permit No. A-576 shall authorize:

transportation of milk, starting at Berthoud west of Johnstown 36 miles, also Fort Collins to Denver and intermediate points, also any other territory described in writing to the Commission (said operating rights being later clarified and extended to read as follows):

transportation of milk to Johnstown from points in the territory described as: Beginning at the NE corner of Section 5, Township 4-North, Range 67-West; thence west along the north boundary lines of Township 4-North to U. S. Highway No. 87; thence south via U. S. Highway No. 87 to the south line of Township 3-North; thence east along said township line to the SE corner of Section 32, Township 3-North, Range 67-West; thence north to the point of beginning, and in addition to other service authorized, transportation of milk to Johnstown, from the territory described as: Beginning at the NE corner of Section 5, Township 4-North, Range 67-West; thence west to the NW corner of Section 6, Township 4-North, Range 69-West; thence south five miles to the SW corner of Section No. 30, Township 4-North, Range 69-West; thence east three and one-half miles to U. S. Highway No. 87; thence south via Highway No. 87 to the south center line of Section 34, Township 3-North, Range 69-West; thence east to the SE corner of Section 32, Township 3-North, Range 67-West; thence north to point of beginning, with backhaul of empty cans.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph L. Higgins*  
*Ralph C. Williams*  
*Harry G. Allendo*  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of January, 1960.  
mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
EVERETT GREGORY, 3615 BLAKE STREET, )	
DENVER, COLORADO, FOR AUTHORITY TO )	APPLICATION NO. 17577-PP-Extension
EXTEND OPERATIONS UNDER PERMIT NO. )	
B-2342. )	
----- )	

-----  
January 19, 1960  
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Appearances: Larry L. Peratt, Denver,  
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

Applicant herein is the owner of Permit No. B-2342,  
authorizing operation as a private carrier by motor vehicle for  
hire, for the transportation of:

sand, gravel, and other road-surfacing materials, from pits and supply points in the State of Colorado, to highway and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal, from mines in the northern Colorado coal fields, to Denver, Colorado; sand, gravel, and other road-surfacing materials, from points within a fifty-mile radius of the Atomic Energy Plant, located in Jefferson County, Colorado, to the Atomic Energy Plant; dirt, sand, gravel, construction materials used by contractors, road-surfacing materials, cement, mixture, or dry, excluding cement in Jackson County, Colorado; structural forms and machinery, between points within a radius of one hundred miles of any construction jobs, in the State of Colorado, provided, however, that said operations shall be limited to the use of dump trucks, except that applicant may use one semi-trailer, only, for the transportation of structural forms and machinery used in connection with the operation of gravel pits and cement construction between contractors' warehouses and job sites; sand, gravel, and other road-surfacing materials, from pits and supply points in the State of Colorado, to mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.



Said permit-holder, by the above-styled application, seeks authority to extend operations under said Permit No. B-2342, to include the right to transport coal, between points within a radius of twenty-five miles of Nucla, Colorado, for Edna Coal Company, only.

Said application was regularly set for hearing before the Commission, at the Court House, Montrose, Colorado, January 6, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 4, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, Larry L. Peratt appeared and testified in support of the application, stating he is Chief Accountant for Applicant; that Applicant is the owner and operator of Permit No. B-2342; that applicant has sufficient equipment with which to conduct his proposed extended operations; that applicant has a net worth of approximately \$250,000; that applicant has been operating under Temporary Authority issued by this Commission.

Wendell Brown, General Manager of Edna Coal Company, appeared in support of the instant application.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

Report of the Examiner recommends that authority herein sought be granted.

## F I N D I N G S

### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That applicant herein should be authorized to extend operations under Permit No. B-2342, as set forth in the Order following.

## O R D E R

### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings be, and the same hereby is, approved.

That Everett Gregory, Denver, Colorado, be, and he hereby is, authorized to extend operations under Permit No. B-2342, to include the right to transport coal, between points within a radius of twenty-five miles of Nucla, Colorado, for Edna Coal Company, only.

That this Order is made part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Raymond C. Norton  
Alvin E. Pulver  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of January, 1960.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
EVERETT GREGORY, 2340 BALSAM STREET, )	
LAKEWOOD, COLORADO, FOR AUTHORITY )	
TO TRANSFER PERMIT NO. B-2342 TO )	APPLICATION NO. 17580-PP-Transfer
EVERETT GREGORY TRUCKING CONTRACTOR, )	
INC., 3615 BLAKE STREET, DENVER, )	
COLORADO. )	
----- )	

-----  
January 20, 1960  
-----

Appearances: Larry L. Peratt, Denver,  
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

By the above-styled application, Everett Gregory, Lake-  
wood, Colorado, owner and operator of Permit No. B-2342, seeks  
authority to transfer said operating rights to Everett Gregory  
Trucking Contractor, Inc., Denver, Colorado, said Permit No.  
B-2342 being the right to operate as a private carrier by motor  
vehicle for hire, for the transportation of:

sand, gravel, and other road-surfacing materials,  
from pits and supply points in the State of Colo-  
rado, to highway and building construction jobs  
within a radius of fifty miles of said pits and  
supply points, excluding service in Boulder, Clear  
Creek, and Gilpin Counties; coal, from mines in  
the northern Colorado coal fields, to Denver,  
Colorado; sand, gravel, and other road-surfacing  
materials, from pits within a fifty-mile radius  
of the Atomic Energy Plant, located in Jefferson  
County, Colorado, to the Atomic Energy Plant;  
dirt, sand, gravel, construction materials used  
by contractors, road-surfacing materials, cement,  
mixture or dry, excluding cement in Jackson County,  
Colorado; structural forms and machinery, between  
points within a radius of one hundred miles of any  
construction jobs in the State of Colorado, pro-  
vided, however, that said operation shall be limited  
to the use of dump trucks, except that applicant  
may use one semi-trailer, only, for the transpor-  
tation of structural forms and machinery used in  
connection with the operation of gravel pits and  
cement construction between contractors' warehouses  
and job sites; sand, gravel, and other road-surfacing

materials, from pits and supply points in the State of Colorado, to mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; coal, between points within a radius of twenty-five miles of Nucla, Colorado, for Edna Coal Company, only.

Said application was regularly set for hearing before the Commission, at the Court House, Montrose, Colorado, January 6, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 4, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated for hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, Larry L. Peratt appeared and testified in support of the application, stating he is Chief Accountant for Everett Gregory Trucking Contractor, Inc.; that Everett Gregory, transferor herein, formed a corporation on January 1, 1959, Articles of Incorporation being on file with the Commission; that the consideration for transfer of Permit No. B-2342 is all of the capital stock of said corporation; that said corporation was formed for tax advantages; that transferee has sufficient equipment and net worth with which to carry on operations under Permit No. B-2342.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of transferee were established to the satisfaction of the Commission.

Report of the Examiner recommends that authority herein sought be granted.

## F I N D I N G S

### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

## O R D E R

### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings be, and the same hereby is, approved.

That Everett Gregory, Lakewood, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to Permit No. B-2342 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Everett Gregory Trucking Contractor, Inc., Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The right of transferee to operate under this Order shall depend upon compliance with all present and future laws and rules

and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to time of transfer of said permit.

This Order is made a part of the permit authorized to be transferred, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Hahn  
Henry E. Mulveng  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of January, 1960.

ea



original

(Decision No. 53716)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
T. J. BIGBEE AND JERRY BIGBEE, )  
CO-PARTNERS, DOING BUSINESS AS ) PUC NO. 3327  
"T. J. BIGBEE AND SON," 406 )  
18TH, GREELEY, COLORADO. )  
----- )

-----  
January 20, 1960  
-----

S T A T E M E N T

By the Commission:

Heretofore, T. J. Bigbee and Jerry Bigbee, co-partners,  
doing business as "T. J. Bigbee and Son," Greeley, Colorado,  
acquired PUC No. 3327, said certificate being the right to operate  
as a common carrier by motor vehicle for hire, for the transporta-  
tion of:

houses from and to, and to and from the Counties of  
Boulder, Gilpin, Weld, and Larimer, State of Colorado.

The Commission has now been informed by said certificate-  
holders that said authority is broader in scope than needed or  
desired by them, and they request that said operating rights be  
amended, so as to authorize:

"transportation of houses, between and within  
the Counties of Boulder, Gilpin, Weld and  
Larimer, in the State of Colorado."

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That operating rights under PUC No. 3327 be, and they hereby  
are, restricted and amended, as requested by T. J. Bigbee and Jerry  
Bigbee, co-partners, doing business as "T. J. Bigbee and Son,"

Greeley, Colorado, owners and operators thereof, so that in the future, said PUC No. 3327 will authorize:

transportation of houses, between and within the Counties of Boulder, Gilpin, Weld, and Larimer, in the State of Colorado.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Hatcher  
Henry J. Paulsen  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of January, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
(BURKE M. BRAY, DOING BUSINESS AS), )  
"LAKEWOOD CIGARETTE MACHINE COMPANY", )  
940 CARR STREET, LAKEWOOD, COLORADO. )  
----- )

PERMIT NO. M-15716

-----  
January 26, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from (Burke M. Bray, dba)  
"Lakewood Cigarette Machine Company", Lakewood, Colorado  
requesting that Permit No. M-15716 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15716, heretofore issued to (Burke M. Bray, dba)  
"Lakewood Cigarette Machine Company", Lakewood, Colorado be,  
and the same is hereby, declared cancelled effective October 1, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Horton  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 26th day of January, 195 60.

\*\*\*\*\*

PERMIT NO. M-8644

STATEMENT

The Commission is in receipt of a communication from Joseph L. Cautrell,  
Tabernash, Colorado  
requesting that Permit No. M-8644 be cancelled.

## FINDINGS

That the request should be granted.

## ORDER

That Permit No. M-8644, heretofore issued to Joseph L. Cautrell,  
Tabernash, Colorado be,  
and the same is hereby, declared cancelled effective January 2, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Norton  
Wm. E. Zurlings  
Commissioners

this 26th day of January, 1956.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WATSON, INC., 718 SYMES BUILDING, )  
DENVER, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 17008  
SUPPLEMENTAL ORDER

-----  
January 20, 1960  
-----

Appearances: Thomas J. Mitchell, Esq.,  
Denver, Colorado, and  
E. B. Evans, Esq., Denver,  
Colorado, for Applicant;  
Paul S. Barnett, Esq., Den-  
ver, Colorado, for Ideal  
Cement Company;  
Willard L. Peck, Esq., Den-  
ver, Colorado, for the  
Colorado and Southern  
Railway Company;  
Clayton D. Knowles, Esq.,  
Denver, Colorado, for  
Union Pacific Railroad  
Company;  
Peter J. Crouse, Esq., Den-  
ver, Colorado, and  
Royce D. Sickler, Esq.,  
Denver, Colorado, for the  
Santa Fe Railroad Company;  
Ernest Porter, Esq., Denver,  
Colorado, for the Denver  
and Rio Grande Railroad  
Company, Rio Grande Motor  
Way, Inc., and Larson  
Transportation Company;  
Alvin J. Meiklejohn, Jr.,  
Esq., Denver, Colorado,  
for Daryl Hinkle, Ray Ful-  
bright, Atwood Truck Line,  
John B. Able, Sorenson  
Truck Service, Inc.;  
Howard D. Hicks, Denver,  
Colorado, for Centennial  
Truck Lines, Inc.;  
Shirley Avery, Buena Vista,  
Colorado, for Eveready  
Freight Service, Inc.;  
Charles H. Haines, Jr., Esq.,  
Denver, Colorado, and



John R. Barry, Esq., Denver,  
Colorado, for Verl Harvey,  
Inc.;  
Stanley Blunt, Canon City,  
Colorado, for Southwestern  
Transportation Company.

S T A T E M E N T

By the Commission:

A hearing was heretofore held on the subject application and the Commission rendered its Decision No. 52630, dated July 6, 1959. A Petition for Rehearing was filed by protestants and rehearing granted and held, on August 10, 1959. At the hearing, counsel for Applicant requested that the record of the previous hearing be made a part of the record of the rehearing. Evidence was presented for and in opposition to the application, and the matter was taken under advisement at the conclusion thereof.

In the instant application, dated March 20, 1959, Watson, Inc., a Colorado corporation, seeks a certificate of public convenience and necessity for the transportation of:

1. Cement in bulk and in sacks, between all points in the State of Colorado;
2. Pyrites in bulk from Denver, Colorado, and a radius of five miles thereof, to Boettcher and to Portland, Colorado;
3. Limestone in bulk or in sacks, or in hopper or dump trucks, between all points in the State of Colorado;
4. Crushed marble, in bulk or in sacks or containers from Glenwood Springs, Colorado, to points in the State of Colorado.

At the hearing, the Articles of Incorporation of Applicant were marked Exhibit A, and received.

It appears that Applicant is presently the owner of Certificate of Public Convenience and Necessity No. 498, issued in July, 1930, authorizing the following:



Conduct of a transfer, moving and general cartage business in the City of Loveland and in the County of Larimer, and for occasional service throughout the State of Colorado and each of the Counties thereof, subject to the following conditions:

(a) For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, the applicant shall charge rates which, in all cases, shall be at least twenty per cent (20%) in excess of those charged by scheduled carriers;

(b) The applicant shall not operate on schedule between any points;

(c) The applicant shall not be permitted, without further authority from the Commission to establish a branch office or have any agent employed in any other town or city than Loveland, for the purpose of developing business.

A complaint had been filed with the Commission by a carrier who contended that Harold E. Watson, Jr., doing business as "Watson Transportation Company," the immediate predecessor of Watson, Inc., a Colorado corporation, was operating contrary to the law as he was operating beyond the limits of his authority. This complaint came up formally before the Commission which resulted in the following Findings:

"The undisputed evidence is that during the first ten months of 1954, Watson hauled approximately four million pounds of bulk cement from La Porte to Denver. Taking at face value Watson's statement that his trucks are ordinarily loaded to their maximum capacity of 40,000 pounds, that is 1,000 trips, or an average of 100 trips per month. By March 1955 the tempo had increased to about 250 trips per month, and by April 1955, to approximately 300. Watson testified that he serves each of his 9 customers with at least one trip each working day. As a rule, Watson also hauled cement from Portland to Rocky Ford, neither point in Larimer County, several times each month, for one customer. Cement hauling produces 90% of Watson's total revenue, he states."

The Commission ordered Watson to cease and desist from all transportation of bulk cement from Boettcher or Portland to other points in Colorado, except such transportation as may occa-

sionally and infrequently arise as an instance of the operation of a transfer, moving and general cartage business. This order was appealed to the District Court in the City and County of Denver.

The District Court there found, in substance:

"It is the feeling of this Court that the Public Utilities Commission of the State of Colorado denied Harold E. Watson the use of his property without due process of law, and that their decision is the equivalent of a confiscatory action."

This order of the District Court was appealed to the Colorado Supreme Court, wherein they reversed the decision of the Trial Court and ordered the cause remanded back to the District Court, with the direction to affirm the decision of the Commission. Harold Watson had been engaged in hauling cement during the period of litigation. After final determination by the Court, a corporation, the Applicant, was organized and it filed this application for authority to take care of the transportation business Watson had developed under his Certificate No. 498 and to operate as a common carrier.

In support of the application, several witnesses appeared, and we will endeavor to condense their testimony:

Bernard Shaw, of 7090 Masey, Denver, Colorado, testified that he was Superintendent of Brannon Sand and Gravel Company, which Company, it appears, is engaged in the paving, primarily street paving, curbs and gutters, within the City and County of Denver, being a large user of sack and bulk cement. The witness stated his company at the present time needed the service of applicant for the supplying of cement. He states that the business is, in a sense, seasonal, and during the summer and fall months the need is greater. It appeared that sack cement has been, historically, hauled by rail, but it used Applicant's service for bulk cement. It appears it has used other carriers of cement and his company is here supporting the instant application. It also appears that his company has used the services of Watson for delivery of cement, primarily into the Denver area, and as this business is growing, they would possibly use Applicant's services to other points in the State of Colorado.

Dorsey Hall, Jr., of Denver, stated he is Vice-President of Hall Sand and Gravel, Inc., and in their business they require two million pounds of cement a year and need transportation for this cement; that at the present time they are using motor carrier truck transportation and are using the applicant for the transportation. He stated that including applicant's service, they have what he termed "tight periods" during the months of August and September. The witness indicated he was using the service of other cement haulers, but apparently was pleased with the service of Watson and is here supporting the application.

A. S. Bonney, of Denver, Colorado, stated he was Chief Clerk, employed by Ideal Cement Company in its general traffic department. He stated that ordinarily they have very little to do with the transportation of cement from their plant, but were interested in the transportation of pyrite cinders from Denver to their plants located in Boettcher and Portland. They purchase this product from the General Chemical Company, and for the past year, 1958, they purchased around 5500 tons. The witness stated:

"We are here supporting the application insofar as it concerns pyrite cinders from Denver to Boettcher and Portland."

The witness stated they needed the service for the transportation of pyrite cinders and that is the reason they are here supporting the application.

Arthur S. Horner, of Denver, Colorado, testified he is in the general contracting business and operates under the name of A. S. Horner Construction Company, and is engaged in highway construction work. In his business he uses cement and recently was a contractor at the Air Force Academy near Colorado Springs. The witness states he needs motor carrier transportation for the reason that some of his contracts are in remote areas where rail transportation is not available.

Fred Hoppe stated he was in the ready-mix concrete business, located at 7000 York Street, Denver, and also has plants in Cortez and Leadville; that their business is manufacture of transit-mix or ready-mix concrete; that his company uses both rail and motor carriers for deliveries of cement. The witness states he is here supporting the instant application for the reason: "I believe that our industry needs another Denver-based motor carrier operation, such as he has or he proposes. I think it would be a stabilizing influence in our business." It appears that from his Cortez plant he uses the service of Montezuma Truck Line.

Harold E. Short, of Boulder, Colorado, stated he is associated with Milne Ready-Mix Concrete, Inc., located in Boulder; that in the past they had been using rail transportation in their cement deliveries; that up until last summer they had had satisfactory rail service, that is, six days a week service, but last summer this service was cut in half so "we have now gone to trucks. We favor rail transportation but due to the inadequacy of that service we will have to put 50% on trucks because we can't schedule it right on the railroad." He appeared supporting the Watson application, and stated that if the application is granted he will use Watson's service. He further stated that the bulk of his business comes from Boettcher.

Harold E. Watson, of Watson, Inc., was the next witness. It appears that he owns practically all of the stock of the company. He identified Exhibit B, the equipment list, to be transferred to Watson, Inc., provided the certificate is issued; also, Exhibit C, which is a statement of condition, pro forma, of the assets to be turned over to the corporation. The witness, in detail, described the equipment to be used and its adaptability for hauling bulk cement and pyrite cinders. On cross-examination of the witness, a great many questions were asked as to his past operations and facts

connected therewith, including the past hearing before this Commission and the court battle which clarified his present authority. We are not going to discuss this phase of his testimony at this time. However, we will refer to what we term "pertinent facts" later on in our discussion.

Protestants' testimony was made by both rail and motor carriers. They, in detail, outlined the service, and each, by testimony and exhibits, disclosed the service they offered, the type of equipment used by them, and their ability to serve. These witnesses answered in detail the questions asked, and described their type of service as offered in the past and the service as now offered. In conclusion, all protestants vigorously protested the granting of the application.

The question primarily before the Commission is the question presented by the application, i.e., is Applicant entitled to a certificate of public convenience and necessity? The record is filled with questions and answers pertaining to Harold E. Watson's operations under his Certificate of Public Convenience and Necessity No. 498; protestants complaining of illegal operations. That this is true was determined after a final interpretation of his authority by the Commission, which was ratified by the Colorado Supreme Court. It appears, however, that there are extenuating circumstances. The problem of interpretation and enforcement of the so-called "general cartage" authorities with occasional service throughout the State of Colorado, has been before the Commission for a number of years. The confirmation of the Commission's interpretation of these authorities was watched by some thirty-odd carriers having similar authority and, doubtless, many of their operations were illegal by the Commission's interpretation.

We do not wish, nor was it ever our intent, to crucify Watson. Rather, it was our purpose and desire that a clarification of these authorities be made. This, in the opinion of the Commission, we now have.



The reason for the above explanation is to clarify the thinking of the Commission as they determine the merits in the instant application. We have granted certificates for the transportation of bulk cement by motor vehicle after Watson had established his operation. Several of these certificate-holders are here protesting the instant application. The rails have for years protested the hauling of cement by motor carrier, but we have found in the past that public convenience and necessity warranted motor vehicle carrier authority. In our determinations, we have considered the motor carrier service available, including Watson's service, for the hauling of cement. After a careful study of the whole record on hearing and rehearing, and after a careful consideration thereof, we are of the opinion that the proposed service by Watson for the transportation of cement to Denver and the territory adjacent to Denver is definitely in the public interest, however, we cannot say that statewide authority is justified under the record before us.

We are further of the opinion that public convenience and necessity justify our granting the authority for the transportation of pyrites in bulk from Denver and a radius of five miles thereof to Boettcher and Portland. As to the transportation of limestone in bulk or in sacks between points in the State of Colorado, and the transportation of crushed marble from Glenwood Springs to points in the State of Colorado, after a careful consideration thereof, we can see no need for additional carriers. It appears that the presently certificated carriers are adequate to take care of this traffic and, what traffic Watson handled, if he did handle any, was a very small percentage of his total operation. The fact that applicant has technically violated a State law or even the Act which we administer, is not always, as we have held in numerous cases, an absolute bar to the granting of a certificate. We think that applicant is willing and intends to conform to the provisions of the Act and our requirements,



rules and regulations thereunder. Applicant's ability financially and otherwise is attested by the development of a substantial business.

We conclude that Applicant is fit, willing and able to conduct such operations as we hereinafter authorize. In this case, a denial of a substantial portion of the authority requested would, in effect, deprive the public in the Denver territory of a needed transportation service. Most certainly, the question of public interest transcends the secondary issue of unlawful operation. In so determining, we are not to be considered as condoning the unlawful operation or in any way setting a precedent that every unlawful operation may blossom into a Commission sanctioned authority. The contrary is true. Where there are convincing extenuating circumstances and public convenience and necessity so require, and the public interest will be served, as in the instant case, we feel the Commission may grant authorities despite previous illegal operations.

The power of the Commission to attach terms, conditions and limitations to authorities granted is, in our opinion, broad. For all practical purposes, Applicant is the owner and operator of Certificate of Public Convenience and Necessity No. 498. This authority, for the past several years, has been actually used for the transportation of cement and pyrite. Applicant is here now asking to have issued to it a new and independent authority to conduct the operations which in the past was conducted under Certificate No. 498 as a common carrier and to otherwise operate as a common carrier. If this authority, as limited, is granted, we see no need by the public for Certificate No. 498.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That Watson, who controls the Applicant corporation, has been remiss and even negligent in observing the law, all the while, however, operating with the benefit of counsel; -- but finds that such action

when considered in the light of the requisite of public convenience and necessity and all the circumstances involved in this case is not of such serious import that the public convenience and necessity should be denied.

That Watson's past operation insofar as the same were contrary to the law should not be condoned.

That the public needs the services for which the Applicant seeks authority and the public convenience will be served by granting such authority.

That the services which Applicant seeks to provide are necessary for the public convenience and necessity even though there are other carriers who allege (though the Commission does not so find from the record) that they can adequately fill the vacuum which would result from cessation of operations by the Applicant.

That in spite of the past wrong doing on Watson's part, the public interest should come first and such public interest will be better served by permitting rather than denying his services to the public.

That the transportation services for which Applicant seeks authority will not result in duplication of services detrimental to the public interest and where an overlap of the services available to the public may come about, such competition will be reasonable competition and will be to the benefit of rather than detriment to the public.

#### O R D E R

##### THE COMMISSION ORDERS:

That all motions of protestants not heretofore ruled upon should be, and the same hereby are, denied.

That all the records in the within application proceedings shall be the record herein.

That public convenience and necessity require the motor vehicle common carrier service of Applicant Watson, Inc., a corporation,

for the transportation of:

1. Cement in bulk and in sacks from cement plants located at Boettcher, Colorado, and Portland, Colorado, to Denver, Colorado, and points within a radius of 50 miles of Denver.
2. Pyrites in bulk from Denver and a radius of 5 miles thereof, to Boettcher and Portland, Colorado.
3. That applicant shall not be permitted, without further order from the Commission, to establish a branch office or have any agent employed in any other city than Denver, Colorado, or a 5 mile radius thereof, for the purpose of developing business, PROVIDED, HOWEVER, that the granting of this authority is contingent upon the surrender for cancellation of Certificate of Public Convenience and Necessity No. 498 now held by Harold E. Watson, Jr., doing business as "Watson Transport, Inc.",

and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That Applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That Applicant shall operate its carrier system in accordance with the Order of the Commission, except when prevented by Act of God, the public enemy or extreme conditions.

That this Order is subject to compliance by Applicant with all present and future laws and rules and regulations of the Commission.

That Certificate of Public Convenience and Necessity No. 498 be, and the same hereby is, vacated and cancelled, simultaneously with the coming into effect of the certificate of public convenience and necessity herein ordered.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nevin*  
*Joseph C. Stanton*  
*Henry J. Pulley*  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of January, 1960.  
mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JACOB SCHLAGEL, SR., 7395 DECATUR )  
STREET, DENVER, COLORADO, FOR AU- )  
THORITY TO TRANSFER PUC NO. 3317 ) APPLICATION NO. 17584-Transfer  
TO NORMAN W. COYLE, 1070 HANOVER, )  
DENVER, COLORADO. )  
----- )

-----  
January 20, 1960  
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Appearances: James R. Stitt, Esq., West-  
minster, Colorado, and  
John H. Lewis, Esq., Denver,  
Colorado, for Transferor  
and Transferee.

S T A T E M E N T

By the Commission:

Transferor herein is the owner and operator of PUC No.

3317, which authorizes the following:

Transportation of ashes, trash and other refuse,  
between points in the City and County of Denver,  
and from points in the City and County of Denver,  
to regularly-designated and approved dumps and  
disposal places in the Counties of Adams, Arapa-  
hoe, and Jefferson, State of Colorado.

By the instant application, said transferor requests  
authority to transfer PUC No. 3317 and operating rights thereunder  
to Norman W. Coyle, 1070 Hanover, Denver, Colorado.

After due notice to all interested parties, said appli-  
cation was set for hearing, and heard, at 330 State Office Building,  
Denver, Colorado, on January 18, 1960, and at the conclusion thereof,  
the matter was taken under advisement.

At the hearing, the evidence disclosed that the considera-  
tion for the transfer of authority and equipment is \$11,250, of  
which \$500 is to be paid down, \$4,500 to be paid when the transfer  
is consummated, and the balance of \$6,250 to be evidenced by a note  
bearing interest at 4% per annum, payable \$283.00 per month for 24  
months, and approval of this Commission is asked to mortgage said

certificate and equipment.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of transferee were established to the satisfaction of the Commission.

### F I N D I N G S

#### THE COMMISSION FINDS:

The above and foregoing Statement is made a part of these Findings by reference.

That the proposed transfer is compatible with the public interest and should be authorized, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That Jacob Schlagel, Sr., 7395 Decatur Street, Denver, Colorado, be, and he is hereby, authorized to transfer all his right, title and interest in and to PUC No. 3317 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Norman W. Coyle, 1070 Hanover, Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Lugin  
Ralph C. Horton  
Wm. E. Spiller  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of January, 1960.

ea



original

(Decision No. 53721)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
HELEN STOTTS, 2334 GROVE STREET, )	
DENVER, COLORADO, FOR AUTHORITY TO )	
TRANSFER PUC NO. 3388 TO EARL HAM- )	APPLICATION NO. 17585-Transfer
ILTON, 2335 STOUT STREET, DENVER, )	
COLORADO. )	
----- )	

-----  
January 20, 1960  
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Appearances: Robert B. Palmes, Esq.,  
Denver, Colorado, for  
Transferor and Transferee.

S T A T E M E N T

By the Commission:

The transferor herein is the owner and operator of PUC  
No. 3388, which authorizes the following:

Transportation of ashes, trash and other  
waste materials, from point to point within  
the City and County of Denver, and from  
points in the City and County of Denver,  
to regularly-established and approved dumps  
and disposal places in the Counties of Adams,  
Arapahoe, and Jefferson, State of Colorado.

On December 22, 1959, said transferor filed an application  
for authority to transfer said operating rights to Earl Hamilton,  
2335 Stout Street, Denver, Colorado.

Said application was regularly set for hearing, and heard,  
at 330 State Office Building, Denver, Colorado, at ten o'clock A. M.,  
January 18, 1960, after due notice to all interested parties, and at  
the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that the consideration  
for the proposed transfer is the sum of \$1,000, of which \$500 is to be  
paid down and the balance upon approval of the Commission of the transfer.

The net worth of transferee is \$20,000, and he has had several  
years of experience in trucking operations.

No one appeared in opposition to the granting of the authority  
sought herein.

The operating experience and financial responsibility of the transferee were established to the satisfaction of the Commission.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest and should be authorized, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That Helen Stotts, 2334 Grove Street, Denver, Colorado, should be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 3388 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Earl Hamilton, 2335 Stout Street, Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports,

if any, covering operations under said certificate up to the time of transfer of said certificate.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Hutton  
Stanley M. Lugo  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of January, 1960.

ea

original

(Decision No. 53722)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
JOE L. CLEMENTI, DOING BUSINESS AS )	
"CLEMENTI & SON TRUCK LINE," 125 )	
SOUTH SANTA FE AVENUE, PUEBLO, COLO- )	APPLICATION NO. 17545-PP-Extension
RADO, FOR AUTHORITY TO EXTEND OP- )	
ERATIONS UNDER PERMIT NO. A-655. )	
----- )	

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January 20, 1960  
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Appearances: John Lewis, Esq., Denver,  
Colorado, for Applicant;  
Raymond B. Danks, Esq.,  
Denver, Colorado, for  
Centennial Truck Line;  
Howard Hicks, Denver, Colo-  
rado, for copy of Order.

S T A T E M E N T

By the Commission:

Heretofore, Joe L. Clementi, doing business as "Clementi & Son Truck Line," Pueblo, Colorado, was granted a Class "A" permit (Permit No. A-655), authorizing operation as a private carrier by motor vehicle for hire, for the transportation of:

general freight, Pueblo to Denver and return, via U. S. Highway No. 85; general freight, on U. S. Highway No. 50, between Pueblo and Avondale, and between Avondale and Pueblo and all intermediate points, as well as between Denver and these points, and these points and Denver, Colorado.

By the above-styled application, said permit-holder seeks authority to extend operations under said Permit No. A-655, to include the right to pick up and deliver shipments to points located within five miles of Pueblo, Colorado, or Denver, Colorado, on traffic having a prior or subsequent movement over applicant's lines.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House Pueblo, Colorado, December 18, 1959, and at the conclusion of the

evidence, the matter was taken under advisement.

The basis for applicant's request for extension of authority under Permit No. A-655 is that he has received numerous requests from various shippers and receivers of freight to serve business installations, factories, warehouses, construction sites, and other destinations which lie beyond the corporate limits of the Cities of Pueblo and Denver but which are within the so-called general trade area or metropolitan areas of the cities involved.

There was adduced on behalf of applicant, some evidence that the present customers served by him have established business houses beyond the corporate limits of Pueblo, and that they require service to points both within and without Pueblo.

Applicant likewise adduced evidence that he has been serving people beyond the corporate limits of Pueblo and Denver, on the assumption that he was authorized to do so under his present authority.

This Commission has previously held that original authorities are granted to serve people and not areas. In several previous cases we have stated that private carriers having authority to serve points of origin and destination have been given the authority to serve what is known as the "commercial zone" or environs of that city. (See Colo. P.U.C. Decision No. 53375, of date November 17, 1959, re Ephraim Freightways, Inc.)

It is a well-known fact that both Pueblo and Denver have expanded well beyond their corporate limits; likewise, it is a fact of which we must take notice, that for many years there has existed a densely-populated area beyond the actual corporate limits of Pueblo. It is the Commission's opinion that the Legislature did not intend that the Commission authorize service to a densely-populated area that was circumscribed by the political boundaries of a municipality, and at the same time deny that service to densely-populated areas that were contiguous to, or at least considered to be within the commercial orbit of that municipality.

We are cognizant of the fact that the applicant, under this interpretation may appear to have been given authority to solicit in a larger area, in competition with common carriers, which would be, in essence, a violation of the spirit of the Public Utilities Act of Colorado. This view, however, is not tenable since the applicant already has that authority. To now attempt to restrict him to the corporate limits would be to deprive him of his property without due process of law. We feel that the applicant does now have the authority to serve customers 3.5 miles beyond the City Limits of Pueblo, and 5 miles beyond the City Limits of Denver, and that therefore, his application should be denied.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That Permit No. A-655 presently authorizes service from points within a radius of 3.5 miles of Pueblo, and within a radius of 5 miles of Denver, Colorado.

That the applicant's application prays for authority which this Commission deems the applicant already possesses, and therefore should be denied.

#### O R D E R

##### THE COMMISSION ORDERS:

That Application No. 17545-PP-Extension be, and the same hereby is, denied, by reason of the fact that Permit No. A-655 presently authorizes service from points within 3.5 miles of Pueblo, and from points within a 5-mile radius of Denver, Colorado.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Ralph C. Hoban*  
*Henry J. Pauling*  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of January, 1960.



original

(Decision No. 53723)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ARTHUR E. THOMPSON, BOX 706, ROUTE )  
1, GOLDEN, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE CAR- ) APPLICATION NO. 17588-PP  
RIER BY MOTOR VEHICLE FOR HIRE. )  
----- )

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January 20, 1960  
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Appearances: Arthur E. Thompson, Golden,  
Colorado, pro se;  
Raymond B. Danks, Esq.,  
Denver, Colorado, for  
Colorado Transfer and Ware-  
housemen's Association.

S T A T E M E N T

By the Commission:

On December 18, 1969, the applicant herein filed his application for a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of sheetrock from the Home Lumber & Supply Company, 1225 West Belleview, Littleton, Colorado, to points within a radius of ten miles from Colfax and Broadway, Denver, Colorado, for said Home Lumber & Supply Company, only.

Said application was regularly set for hearing, and heard, on January 18, 1960, at 330 State Office Building, Denver, Colorado, after due notice to all interested parties, and at the conclusion of the evidence, the matter was taken under advisement by the Commission.

At the hearing, the evidence disclosed that the applicant desires to transport sheetrock from the Home Lumber & Supply Company, only, to points within a radius of ten miles from Colfax and Broadway, Denver, Colorado. Applicant is the owner of a two-ton International Truck and has a net worth of \$2,000, and has been employed by Home Lumber & Supply Company for the past two years under an agreement

whereby said company leased his equipment. They now desire to haul under a private carrier permit.

It did not appear that the proposed service of applicant will impair the efficiency of any common carrier service operating in the territory which applicant seeks to serve.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the authority sought herein should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That Arthur E. Thompson, Box 706, Route 1, Golden, Colorado, be, and he is hereby authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sheet-rock, from the Home Lumber & Supply Company, 1225 West Belleview, Littleton, Colorado, to points within a radius of ten miles from Colfax and Broadway, Denver, Colorado, for said Home Lumber & Supply Company, only.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from  
date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph I. Nigro  
Ralph C. Holden  
Henry H. Paulsen  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of January, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DONALD L. MIKELSON, DOING BUSINESS )  
AS "BRIGHTON-FT. LUPTON TRANSFER," )  
P. O. BOX 236, BRIGHTON, COLORADO, ) APPLICATION NO. 17587-PP-Extension  
FOR AUTHORITY TO EXTEND OPERATIONS )  
UNDER PERMIT NO. B-5438. )  
- - - - - )

- - - - -  
January 20, 1960  
- - - - -

S T A T E M E N T

By the Commission:

On November 19, 1959, the applicant herein filed his application for authority to extend operations under Permit No. B-5438 to include the right to transport baled hay and straw, from farms and ranches located east of a line drawn north and south parallel to the Continental Divide, at Leadville, Colorado, and north of a line drawn east and west parallel to the El Paso-Pueblo County Lines, to feed lots and hay dealers in Adams, Weld, and Denver Counties, Colorado.

Said application was regularly set for hearing at ten o'clock A. M., on January 18, 1960, at 330 State Office Building, Denver, Colorado, after due notice to all parties in interest.

The Commission is in receipt of a communication from the applicant wherein he states that due to the severe weather and storm conditions he cannot get to the hearing, nor can his witnesses, and requests that the matter be continued to a future date to be determined by the Commission, with notice to all interested parties.

F I N D I N G S

THE COMMISSION FINDS:

That the instant matter should be continued to a future date to be determined by the Commission.

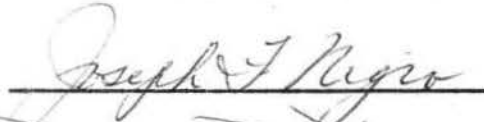
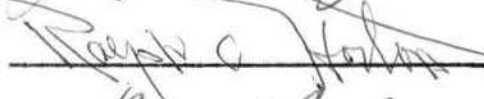

O R D E R

THE COMMISSION ORDERS:

That Application No. 17587-PP-Extension be, and it hereby is, continued, to be re-set and heard at some future date, at the convenience of the Commission, with due notice to all interested parties.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of January, 1960.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ARNOLD LEEPER, MARY ELLEN LEEPER, )  
GOLDIE M. WASSENBERG AND PATRICIA )  
ANN WASSENBERG, CO-PARTNERS, DOING ) APPLICATION NO. 17586  
BUSINESS AS "X-L MOBILE COURT," )  
1700 LA PORTE AVENUE, FORT COLLINS, )  
COLORADO, FOR A CERTIFICATE OF PUB- )  
LIC CONVENIENCE AND NECESSITY. )  
----- )

-----  
January 20, 1960  
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Appearances: Paul E. Wenke, Esq., Fort  
Collins, Colorado, for  
Applicant;  
Harold E. Torgan, Esq.,  
Denver, Colorado, for  
various protestants.

S T A T E M E N T

By the Commission:

On November 2, 1959, applicants herein filed their appli-  
cation for a certificate of public convenience and necessity, auth-  
orizing operation as a common carrier by motor vehicle for hire, for  
the transportation of trailers (mobile homes), from and to Fort  
Collins, Colorado, to and from points within the State of Colorado.

The application was regularly set for hearing on January 18,  
1960, at ten o'clock A. M., 330 State Office Building, Denver, Colorado.

When the application was called for hearing, attorney for  
applicants moved that the matter be continued to some future date  
to be determined by the Commission.

There being no objection to the motion, it was granted.

F I N D I N G S

THE COMMISSION FINDS:

That the instant matter should be continued to a future date  
to be determined by the Commission.



O R D E R

THE COMMISSION ORDERS:

That Application No. 17586 be, and it hereby is, continued,  
to be heard at some future date, at the convenience of the Commission,  
with due notice to all interested parties.

This Order shall become effective as of the day and date  
hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Horton  
Henry E. Paulings  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of January, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
THEODORE G. ARGYS, JR., AND GEORGE  
ARGYS, CO-PARTNERS, DOING BUSINESS  
AS "THE SALIDA CAB COMPANY," 210  
LOWER "F" STREET, SALIDA, COLORADO,  
FOR AUTHORITY TO TRANSFER PUC NO.  
1521 TO NORMA P. ADAIR, DOING BUSI-  
NESS AS "SALIDA CAB COMPANY,"  
SALIDA, COLORADO.

APPLICATION NO. 17547-Transfer

IN THE MATTER OF THE APPLICATION OF  
NORMA P. ADAIR, DOING BUSINESS AS  
"SALIDA CAB COMPANY," SALIDA, COLO-  
RADO, (IN THE EVENT AUTHORITY SOUGHT  
IN APPLICATION NO. 17547-TRANSFER IS  
GRANTED), FOR A CERTIFICATE OF PUB-  
LIC CONVENIENCE AND NECESSITY, AU-  
THORIZING EXTENSION OF OPERATIONS  
UNDER PUC NO. 1521.

APPLICATION NO. 17606-Extension

January 21, 1960

Appearances: John M. Boyle, Esq., Salida,  
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

Heretofore, Theodore G. Argys, Jr., and George Argys, co-  
partners, doing business as "The Salida Cab Company," Salida, Colo-  
rado, acquired PUC No. 1521 from Norma P. Adair and Gordon M. Adair,  
said PUC No. 1521 being the right to operate as a common carrier by  
motor vehicle for hire, for the conduct of:

cab and taxi service, on call and demand, within  
the corporate limits of the City of Salida, Chaffee  
County, Colorado, and within and between points  
within a ten-mile radius of said City of Salida,  
Colorado;

taxi service, on call and demand, within the  
corporate limits of the City of Salida, Chaffee  
County, Colorado, and within and between points  
within a twenty-five-mile radius of said City of  
Salida, Colorado;

taxicab service from points within the area already certificated, to points within the State of Colorado, and return to point of origin, and sightseeing service to points of interest within Chaffee, Park, Lake, Saguache, Gunnison, Custer, and Fremont Counties, Colorado, all sightseeing trips to originate and terminate in Salida, Colorado.

By the above-styled application, said certificate-holders seek authority to re-transfer said PUC No. 1521 to Norma P. Adair, doing business as "Salida Cab Company," Salida, Colorado, and by Application No. 17606, said Norma P. Adair, doing business as "Salida Cab Company," Salida, Colorado, (in the event authority sought in Application No. 17547 is granted), seeks authority to extend operations under said PUC No. 1521, to include the right to render sightseeing service to include the Counties of Pitkin, Garfield, Eagle, Teller, and Summit, all sightseeing trips to originate and terminate in Salida, Colorado.

Said applications were regularly set for hearing before the Commission, at the Court House, Pueblo, Colorado, December 18, 1959, and at the conclusion of the evidence, the matters were taken under advisement.

At the hearing, it appeared that during the course of the operation of said PUC No. 1521, the Argys brothers had concluded that they were unable to successfully conduct said operations. Norma P. Adair, having had experience in the business, is desirous of resuming the operation, and in her agreement with transferors, she agrees to cancel any further obligation owing to her by the transferor under the original Contract of Sale between the parties.

In addition to the transfer, transferee requests extension of said operating rights. The need for this extended service was established by public witnesses who were acquainted with the tourist business in Salida. Numerous inquiries are directed at motel and hotel operators in Salida by tourists who are desirous of taking trips through the high Colorado Rockies located in the counties in which transferee seeks extension, but who are fearful to drive their own cars, and for convenience likewise would prefer a conducted tour, driven by someone else.

## F I N D I N G S

### THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

That Norma P. Adair has the financial responsibility, training, and experience to conduct such an operation in the public interest.

That there exists a demand at Salida, Colorado, for sight-seeing and charter trips into Pitkin, Garfield, Eagle, Teller, and Summit Counties, originating and terminating at Salida, Colorado, and that at the present time no such service is rendered for the public, and that public convenience and necessity require the granting of authority to conduct said service.

## O R D E R

### THE COMMISSION ORDERS:

That Theodore G. Argys, Jr., and George Argys, co-partners, doing business as "The Salida Cab Company," Salida, Colorado, be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 1521 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Norma P. Adair, doing business as "Salida Cab Company, " Salida, Colorado, subject to payment of outstanding indebtedness against said certificate, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the

Commission, unless such time shall be extended by the Commission, upon proper application.

The tariff of rates, rules and regulations of transferors shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferors of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

That public convenience and necessity require the proposed extended motor vehicle common carrier call and demand transportation service of said Norma P. Adair, doing business as "Salida Cab Company," Salida, Colorado, under said PUC No. 1521, to include the right to render sightseeing service in the Counties of Pitkin, Garfield, Eagle, Teller, and Summit, all sightseeing trips to originate and terminate in Salida, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.


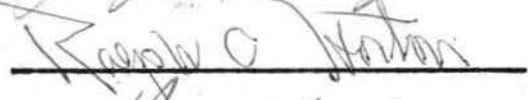

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate her carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

That this Order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of January, 1960.

original

(Decision No. 53727)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
YELLOW CAB TOURWAYS, INC., 3455  
RINGSBY COURT, DENVER, COLORADO,  
FOR AUTHORITY TO TRANSFER A PORTION  
OF PUC NO. 87 TO AIRPORT LIMOUSINE  
SERVICE, INC., 3455 RINGSBY COURT,  
DENVER, COLORADO.

APPLICATION NO. 17561-Transfer

January 21, 1960

Appearances: Harlan G. Balaban, Esq., Den-  
ver, Colorado, for Applicants.

S T A T E M E N T

By the Commission:

This is an application by Yellow Cab Tourways, Inc., Denver,  
Colorado, holder of PUC No. 87, for authority to transfer to Airport  
Limousine Service, Inc., Denver, Colorado, a portion of PUC No. 87, viz.:

Appl. 567, Decision No. 1125: Transportation of  
passengers over the following routes: (a) Denver  
to Pikes Peak; (b) Denver to Georgetown Loop; (c)  
Denver to Echo Lake and Mt. Evans; (d) Denver to  
Denver Mountain Parks, subject to the following  
terms and conditions: (a) no transportation of  
passengers to any intermediate points; (b) all  
operations limited to sightseeing, roundtrip, one  
day operations; (c) equipment limited to one (1)  
automobile.

Appl. 578, Decision No. 1137: Transportation of  
passengers over the following routes: (a) Denver  
to Pikes Peak; (b) Denver to Denver Mountain  
Parks; (c) Denver to Echo Lake and Mt. Evans, sub-  
ject to the following terms and conditions: (a)  
no transportation of passengers to any interme-  
diate point or routes designated shall be per-  
mitted; (b) that all operation by the applicant  
herein shall be limited to sightseeing, round-  
trip, one-day operations; (c) that the quantity  
of equipment to be used in this operation shall  
be limited to three (3) automobiles.



Appl. 578-A, Decision No. 2254, transfers authority granted in Decision No. 1137, PUC-91, from Jack D. Gerst to Arthur Bawden. Appl. 544-A, Decision No. 3479, transfers authority for use of one (1) car from Brown & White Cab Company, PUC-77 to Arthur Bawden, subject to the same terms and conditions as contained in Decision No. 1114. Transportation of passengers over the following routes: (a) Denver to Pikes Peak; (b) Denver to Denver Mountain Parks; (c) Denver to Georgetown Loop; (d) Denver to Echo Lake and Mt. Evans; (e) Denver to Estes Park, north trip; (f) Denver to Estes Park, south trip, subject to the following terms and conditions: (Same as terms set forth above).

Appl. 1592-B, Decision No. 10174, extended certificate to transportation of passengers on sightseeing round trip from Denver to various scenic attractions in the State of Colorado. TRIP 1 - Gold Patch Trip, reaching Nederland, Central City and Idaho Springs; TRIP 2 - Jarre Canon Trip, covering section of South Platte and Jarre Canon; TRIP 3 - Part of Denver Mountain Parks, including Mt. Evans and Leadville, Fairplay section; TRIP 4 - Peak-to-Peak trip, extends from Long's Peak to Pikes Peak; TRIP 5 - Mesa Verde Trip - Reaches most of the major scenic attractions in Colorado mining area, mountainous districts of the State and points of interest on the Western Slope; TRIP 6 - Denver to Colorado Springs, limited to five (5) cars for all of said trips. Appl. 14614-Extension, Decision No. 46292, August 16, 1956: Extended to include the right to operate from point to point within the corporate limits of the City and County of Denver, subject, however, to the same limitations as to type and quantity of motor vehicle equipment heretofore imposed as to service outside the city limits of Denver.

Decision No. 4320: The transportation of passengers and their personal baggage to and from the City and County of Denver, from and to any and all other counties, cities, towns and points within the State of Colorado in the nature of special taxicab and bus service.

Decision No. 41032: Transportation of passengers and their personal baggage upon call and demand from point to point within the geographical limits of the City and County of Denver, State of Colorado, taxicab service within said City and County of Denver, limited to the use of one car.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado,

December 23, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

Both corporation applicants herein are owned by identical stockholders. The purpose of the transfer is primarily a matter of corporate reorganization, which will provide the transfer of the general sightseeing authority to transferor to transferee, who presently handles the transportation of passengers and their baggage to Stapleton Air Field, near Denver, Colorado. Such a transfer will result in administrative economies, and in a more efficient use of existing facilities of transferee. Additional equipment will be leased by the transferee from the transferor for the purpose of rendering service under its sightseeing authority.

The financial responsibility of transferee was established to the satisfaction of the Commission, as was its operating reliability.

No one appeared in opposition to the granting of authority herein sought.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

That the number "PUC 87" shall be retained by transferor herein, operating rights herein authorized to be transferred to be consolidated with, made a part of, and operated under PUC No. 2778, presently owned and operated by transferee herein.

#### O R D E R

##### THE COMMISSION ORDERS:

That Yellow Cab Tourways, Inc., Denver, Colorado, be, and hereby is, authorized to transfer all right, title, and interest in and to that part of PUC No. 87 -- being the operating rights set forth in the Statement preceding, which is made a part hereof, by reference -- to Airport Limousine Service, Inc., Denver, Colorado, subject to payment

of outstanding indebtedness against said operating rights, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said portion of PUC No. 87 has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The tariff of rates, rules, and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

That "PUC No. 87" shall be retained by transferor herein, covering operating rights not herein transferred.

That operating rights herein authorized to be transferred shall be consolidated with, made a part of, and operated under PUC No. 2778, owned and operated by transferee herein.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nease*  
*Ralph C. Foster*  
*Arthur J. Halliday*  
Commissioners,

Dated at Denver, Colorado,  
this 21st day of January, 1960.  
mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) CHARLES MC GHEE, DOING BUSINESS AS ) "MC GHEE TRUCK LINE," P. O. BOX 14, ) OLNEY SPRINGS, COLORADO, FOR AUTHOR- ) ITY TO TRANSFER PUC NO. 3039 TO ) PUEBLO MILK TRANSPORT, INC., 824 ) MAJESTIC BUILDING, DENVER, COLORADO. )	<u>APPLICATION NO. 17546-Transfer</u>
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January 21, 1960  
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Appearances:: Robert D. Means, Esq., Denver,  
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

Heretofore, Charles McGhee, doing business as "McGhee Truck Line," Olney Springs, Colorado, was granted a certificate of public convenience and necessity (PUC No. 3039), authorizing operation as a common carrier by motor vehicle for hire, for the transportation of:

milk and cream and other dairy products, to Pueblo, Colorado, with back-haul of empty containers, from the territory described as:

beginning at a point on U. S. Highway No. 50 in the center of the Town of Fort Lyon, thence north ten miles; thence westerly along the line parallel with U. S. Highway No. 50 and 10 miles from said highway, to the intersection of a line drawn east from Pueblo, Colorado, and ten miles south of Pueblo; thence north twenty miles; thence west along a line drawn east and west ten miles north of Pueblo, Colorado, to a point on said line directly north of Crowley, Colorado; thence south to Crowley; thence along the middle of State Highway No. 207 to Manzanola; thence south ten miles; thence east along a line parallel to U. S. Highway No. 50 and ten miles from said highway to a point ten miles directly south of Fort Lyon; thence north to the point of beginning.

By the above-styled application, said certificate-holders

seek authority to transfer said PUC No. 3039 to Pueblo Milk Transport, Inc., Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Pueblo, Colorado, December 18, 1959, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, it appeared that the parties hereto have entered into a Contract of Sale and Purchase, for the sale of said certificate, for the full purchase price of \$250.00, to be paid in cash upon final approval by the Commission of said transfer.

Transferee is the holder of an authority from this Commission, being PUC No. 2458, which provides for transportation of milk in Pueblo and the surrounding area. The McGhee Certificate abuts the transferee's present area on the east.

Transferee is an experienced operator, having sufficient financial responsibility to conduct this operation.

It is noted that transferee will not assume any of the obligations of the seller. It is the policy of this Commission, however, to authorize transfers subject to any indebtedness that may be outstanding.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest and should be authorized, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That Charles McGhee, doing business as "McGhee Truck Line," Olney Springs, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to PUC No. 3039 -- with authority as set forth in the Statement preceding, which is made a part



hereof, by reference -- to Pueblo Milk Transport, Inc., Denver, Colorado, subject to payment of outstanding indebtedness against said certificate, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The tariff of rates, rules, and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Watson  
Alfred S. Meloy  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of January, 1960.  
mls



original

(Decision No. 53729)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF }  
LOUIS LONGO, 904 CURRIE, PUEBLO, }  
COLORADO, FOR A CLASS "B" PERMIT TO }  
OPERATE AS A PRIVATE CARRIER BY }  
MOTOR VEHICLE FOR HIRE. }

APPLICATION NO. 17542-PP

-----  
January 21, 1960  
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Appearances: Louis Long, Pueblo,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials to be restricted against the use of tank vehicles.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Pueblo, Colorado, December 18, 1959, at 9:30 A. M., and at the conclu-

sion of the evidence, the matter was taken under advisement.

At the hearing, applicant herein appeared and testified in support of the instant application.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

It does not appear that applicant's proposed operations will impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That permit should issue to applicant herein, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That Louis Longo, Pueblo, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials to be restricted against use of tank vehicles.

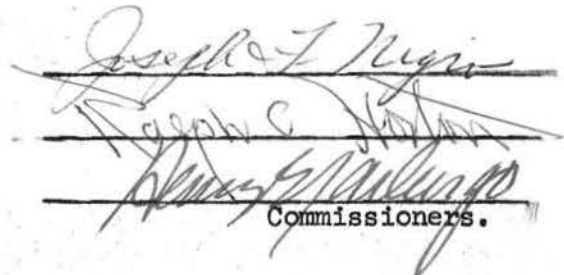
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of January, 1960.

mls

original

(Decision No. 53730)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
AA TAXICAB COMPANY, INC., 801 NORTH )  
GRAND AVENUE, PUEBLO, COLORADO, FOR ) APPLICATION NO. 17550-Extension  
A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY, AUTHORIZING EXTENSION )  
OF OPERATIONS UNDER PUC NO. 1007. )  
-----)

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January 21, 1960  
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Appearances: Franklin R. Stewart, Esq.,  
Pueblo, Colorado, for  
Applicant;  
Raymond B. Danks, Esq.,  
Denver, Colorado, for  
Centennial Truck Line;  
Howard Hicks, Denver, Colo-  
rado, for copy of Order.

S T A T E M E N T

By the Commission:

Heretofore, AA Taxicab Company, Inc., Pueblo, Colorado,  
was granted a certificate of public convenience and necessity  
(PUC No. 1007), authorizing transportation, as a common carrier  
by motor vehicle for hire, of:

passengers, between points (excluding Boone and  
points east thereof on line of Missouri Pacific  
Transportation Company), within a radius of twenty-  
five miles of Pueblo, and from and to Pueblo and  
from Beulah;

passengers and hand baggage throughout the San  
Isabel Forest area, and between Pueblo on the one  
hand, and Beulah, Rye, Westcliffe, Wetmore, and  
San Isabel City on the other;

passengers, on call and demand, by five-passenger  
taxicabs, only, from points in the City of Pueblo,  
Colorado, and points within a radius of twenty-  
five miles thereof, and from Beulah and the San  
Isabel National Forest Area, to all other points  
in the State of Colorado;

passengers and their hand baggage, from point to  
point within the City of Pueblo, Colorado;

packages, parcels, baggage, messages, letters, papers, and documents, from point to point within the boundaries of the City of Pueblo, Colorado; provided, however, that such transportation be performed in taxicabs, only, and that no individual items so transported shall exceed fifty pounds in weight; and provided, that each delivery from one origin to one destination shall be charged as though the applicant had transported one passenger from that origin to that point of delivery, in addition to any extra charge made for leaving the vehicle to pick up or deliver such item.

By the instant application, said certificate-holder seeks authority to extend operations under said PUC No. 1007, to include the right to transport air freight, from Pueblo and the commercial environs surrounding Pueblo, to the airport at Pueblo, Colorado, as well as from the Pueblo Airport to various points within the City of Pueblo and the commercial environs surrounding Pueblo, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Pueblo, Colorado, December 18, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant is one of the local taxicab companies in Pueblo which makes trips to and from the airport, from and to the City of Pueblo. It had a contract to transport air cargo to and from the various scheduled flights that depart and arrive from the Pueblo Airport. All of the air freight for the several airlines is handled through a jointly-operated company, known as "Air Cargo, Inc.," who is the agent on behalf of the air carriers. This type of service is handled by contract only, and is apparently not available to common carriers, generally.

Protestant Centennial Truck Lines has authority in its general trucking business to serve the Pueblo Air Base and several manufacturing plants located thereon. Centennial Truck Lines does not now have, nor has it ever held, the Air Cargo, Inc. Contract. Its protest, however, goes to the granting of any authority for the transportation of any other commodity which Centennial Truck Line would be authorized to carry.

Air freight, by its nature, is normally handled on a l.t.l. basis, and the parcels, as a general rule, are small and lighter than those handled by ordinary carriers. Although in the instant case there is present many of the essential elements of a contract, or private, carrier, the fact remains that the principal service is to be rendered to the general public in Pueblo, indiscriminately, from the particular source. In view of the fact, however, that the applicant did not prove the existence of any public convenience and necessity for transportation of any other commodity from or to the airbase other than air freight for scheduled air carriers, this Commission will grant the extension of a common carrier authority, but the commodities to be hauled shall be restricted to those commodities that are transported by air carriers, to or from Pueblo, originating or terminating at the Pueblo Airbase, and applicant will not be authorized to conduct any other transportation service of freight to or from the Pueblo Airbase.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That public convenience and necessity require extension of operations under PUC No. 1007, as set forth in the Order following, and that certificate of public convenience and necessity should issue therefor.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require applicant's extended motor vehicle common carrier service under PUC No. 1007, to include the right to transport air freight, to and from the Pueblo Airbase, from and to Pueblo, and to and from all points in Pueblo County, Colorado, provided, however, that this authority shall be restricted to transportation of freight that is being delivered to Pueblo County, or destined from Pueblo County, by scheduled air carriers, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.



That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate its carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

That this Order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Holton  
Samuel E. Spalding  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of January, 1960.

ea

revised

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CLIFF NAGEL, 411 WEST 8TH STREET, )  
LEADVILLE, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE CAR- )  
RIER BY MOTOR VEHICLE FOR HIRE. )  
----- )  
APPLICATION NO. 17543-PP

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January 21, 1960  
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Appearances: Cliff Nagel, Leadville,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand, and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs, within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials to be restricted against use of tank vehicles.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Pueblo, Colorado, December 18, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant herein appeared and testified in support of his application.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

It does not appear that applicant's proposed operations will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

### F I N D I N G S

#### THE COMMISSION FINDS:

That permit should issue to applicant herein, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That Cliff Nagel, Leadville, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials to be restricted against use of tank vehicles.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Raymond C. Watson  
Alvin G. Paulsen  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of January, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C. H. THOMASON, SOUTSIDE PUMP )  
STATION, PUEBLO, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE AS A )  
COMMON CARRIER BY MOTOR VEHICLE )  
FOR HIRE. (APPLICANT REQUESTS )  
THAT IN THE EVENT AUTHORITY HEREIN )  
SOUGHT IS GRANTED, OPERATING RIGHTS )  
BE KNOWN AS "PUC NO. 2684," BEING )  
THE NUMBER OF A CERTIFICATE )  
FORMERLY HELD BY HIM.) )  
----- )

APPLICATION NO. 17548

-----  
January 21, 1960  
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Appearances: C. H. Thomason, Pueblo,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity, authorizing operation as a common carrier by motor vehicle for hire, for the transportation of trash and waste building materials, from Pueblo, Colorado, to the City Dump of Pueblo, Colorado; sand and gravel, from pits and supply points within a radius of ten miles of Pueblo, Colorado, to Pueblo, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Pueblo, Colorado, December 18, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, evidence was adduced on behalf of applicant, establishing public convenience and necessity for his proposed operations.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

## F I N D I N G S

### THE COMMISSION FINDS:

That public convenience and necessity require applicant's proposed motor vehicle common carrier call and demand transportation service, as set forth in the Order following, and that certificate of public convenience and necessity should issue therefor.

That operating rights herein granted shall bear the number "PUC No. 2684," being the number of a certificate formerly held by applicant herein.

## O R D E R

### THE COMMISSION ORDERS:

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of C. H. Thomason, Pueblo, Colorado, for the transportation of trash and waste building material, from Pueblo, Colorado, to the City Dump of Pueblo, Colorado; sand and gravel, from pits and supply points within a radius of ten miles of Pueblo, Colorado, to Pueblo, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

That operating rights herein granted shall be known as "PUC No. 2684."

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro

Joseph C. Hobson

Anthony J. Culley  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of January, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PUBLIC SERVICE COMPANY OF COLORADO, )  
GAS AND ELECTRIC BUILDING, DENVER, )  
COLORADO, FOR AN ORDER AUTHORIZING )  
IT TO PUT INTO EFFECT A REDUCED GAS )  
RATE. )  
----- )

APPLICATION NO. 16031  
SUPPLEMENTAL ORDER

-----  
January 20, 1960  
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Appearances: Lee, Bryans, Kelly and  
Stansfield, Esqs., Denver,  
Colorado, by  
E. A. Stansfield, Esq.,  
and  
Bryant O'Donnell, Esq.,  
for Applicant;  
Brian H. Goral, Esq.,  
Assistant City Attorney,  
City & County of Denver,  
for the City of Denver;  
Everett R. Thompson, Denver,  
Colorado, and  
Paul M. Brown, Denver, Colo-  
rado, for the Staff of  
the Commission.

S T A T E M E N T

By the Commission:

On December 23, 1959, this Commission issued its Notice of Hearing to be held in the matter of the application of Public Service Company of Colorado, hereinafter called "Applicant," for an order authorizing it to put into effect a reduced gas rate to its customers as the result of the settlement and issuance by the Federal Power Commission of its order in Docket G-13541, reducing the rates for natural gas heretofore charged by Colorado Interstate Gas Company ("Interstate") to its distributor companies. A reduced rate as a result of the Federal Power Commission decision would apply to nearly all customers of Applicant supplied with natural gas purchased by Applicant from Colorado Interstate Gas Company and Colorado-Wyoming Gas Company.

After due notice to all interested parties, the matter was set for hearing, and was heard, Wednesday, January 13, 1960, at ten o'clock A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

No petitions of intervention were filed prior to the hearing, and no one appeared to protest this action. At the conclusion of the hearing, the Commission took the matter under advisement.

Applicant is a corporation, organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility operating company subject to the jurisdiction of this Commission, engaged primarily in the generation, purchase, transmission, distribution and sale of electric energy, and in the purchase, distribution and sale of natural gas at various points within the State of Colorado.

A certified copy of Applicant's Certificate of Incorporation, as amended, to date, has heretofore been filed with this Commission.

Applicant presented a list of thirty-one incorporated cities and towns within which the Applicant distributes natural gas purchased from Interstate and Colorado-Wyoming Gas Company. These communities as well as areas adjacent thereto are the ones affected by this action. Gas service is furnished to the customers in these areas under the tariff on file with this Commission and, in addition, natural gas service is furnished under special contracts, such contracts also being on file with this Commission.

In Decision No. 49595, of February 3, 1958, by this Commission, a temporary pass-on to customers of Applicant of the increased costs of natural gas under Federal Power Commission Docket G-13541 was approved, subject to refund. The Commission retained jurisdiction to make such further order, or orders, as might be necessary in the premises, and further provided that upon final determination of Interstate's rates, a review would be made by this Commission of the refunds that may be due customers of Applicant as a result of the final settlement of the rates of Interstate.

A review of the events leading to the present situation regarding the cost of natural gas service is in order. Applicant purchases natural gas for resale from Colorado Interstate Gas Company, Colorado-Wyoming Gas Company, Pacific Northwest Pipeline Corporation, Natural Gas Producers, Inc., and Western Slope Gas Company. The first three of these companies are interstate pipeline companies subject to the jurisdiction of the Federal Power Commission. On four separate occasions since 1954, both Interstate and Colorado-Wyoming have increased their rates at which natural gas is supplied to Applicant for resale. On one of these occasions, Pacific Northwest increased its rates under which the Company purchases natural gas for resale in the City of Rifle. All such increases were temporary increases, subject to refund, pursuant to provisions of the Natural Gas Act. In each instance except the first, Applicant was permitted to temporarily increase its retail rates in the amount of Applicant's increase in cost of gas, subject to final review by this Commission. In the first instance, the Commission permitted an increase of only 5/6 of the increased cost of gas to be passed on to Applicant's customers. Each of these increases was accomplished by means of temporary riders added to the base rates, and were authorized by this Commission in Decision Nos. 41845, 43942, and 48257, as amended by Decision Nos. 48284 and 49595. It was further provided that these temporary riders would be permitted to remain in full force and effect until the final determination of the rates to be charged by the pipeline companies was made by the Federal Power Commission.

With respect to the first three increases of Interstate and Colorado-Wyoming, a settlement was reached between the pipeline companies, its customers and certain state regulatory commission, of which this Commission was one. This settlement was approved by an order of the Federal Power Commission on December 30, 1958, and resulted in a refund being made by the pipeline companies to its distributor companies, Applicant being one of the latter. In turn, Applicant is

now refunding such monies as were refunded to it by the pipeline companies, to its customers, pursuant to an order of this Commission in its Decision No. 51992.

The settlement agreement above referred to did not affect the rates being paid by Applicant for its natural gas purchases nor did it affect the fourth rate increase applied by the pipeline companies to Applicant. Because of this, Applicant has been unable to make any adjustments to its retail rates for the future, although the refunds previously received had the effect of reducing the temporary rates for the periods for which the refunds were paid to Applicant by its supplier.

In October 1959, a conference was held participated in by Interstate, its distributor companies, representatives of the Public Utilities Commissions of Colorado and Wyoming, the City and County of Denver, and others. Final agreement was reached by all parties to the proceeding respecting the matters at issue under Federal Power Commission Docket G-13541. A lower rate was established for natural gas service supplied to its distributor companies by Interstate, including Applicant. The settlement was approved by the Federal Power Commission in its order of December 31, 1959. It is the intention herein of Applicant to reduce its retail rates in the amount of the reduction received by it from Interstate.

There has been no settlement of the cases of Colorado-Wyoming or Pacific Northwest, and these cases are still pending before the Federal Power Commission. Colorado-Wyoming has made a settlement proposal but this settlement will not be concluded or approved by the Federal Power Commission until its staff has had the opportunity to examine the books of Colorado-Wyoming for the Years 1958 and 1959. As of the date of this hearing, it could not be definitely stated when such an examination would be completed, but it is hoped to be accomplished at an early date.

The reduction in rates proposed by Applicant at the present time, therefore, is based only on its reduction in cost of gas purchased from its supplier, Interstate. Upon the settlement of the

application of Colorado-Wyoming, a further reduction in wholesale costs of gas are anticipated, and this reduction will be passed on to Applicant's customers at that time.

Under FPC Docket G-13541, the cost of natural gas service paid to Interstate for its firm gas sales was as follows:

Demand Charge per month, per MCF of billing demand -	\$2.17
Commodity Charge per month, per MCF -	.205

Under the settlement agreement as approved by the Federal Power Commission December 31, 1959, to be effective January 1, 1959, the rate to be paid for firm gas is as follows:

Demand Charge per month, per MCF of billing demand -	\$1.50
Commodity Charge, per MCF	.185

This change in charges for natural gas purchased will result in an annual decrease in cost to Applicant of \$3,330,480. This figure is established after adjusting the gas volumes required to normal or average temperature conditions. The amount of reduction was arrived at by recosting gas purchases on a normalized basis for the period ending June 30, 1959. This reduction produces a commodity charge decrease at Applicant's sales pressure base for interruptible customers of 1.691¢ per MCF. After computing the reduction to interruptible customers at 1.691¢ and deducting the amount thus determined from the total decrease in gas cost of \$3,333,480, the balance of \$3,050,772 was spread across the firm gas sales. This provided a reduction in cost of 5.1¢ per MCF to residential and commercial users.

Applicant requested permission to file tariff sheets to its Tariff, Colorado PUC No. 3, Gas, to effect this reduction in rates to its customers. As mentioned before, this reduction will apply to all firm gas customers being supplied with gas purchased from Interstate and Colorado-Wyoming. Interruptible industrial customers being supplied by natural gas received from Interstate only will be affected at this time. At such time as Colorado-Wyoming may receive an order from the Federal Power Commission reducing its rates, interruptible,



industrial rates to customers supplied with natural gas purchased from Colorado-Wyoming will be reduced and a further reduction will obtain to all residential and commercial customers of Applicant. It is proposed to make these rates effective February 1, 1960.

As a result of the settlement agreement, the period from February 5, 1958 through December 31, 1958, is treated as a closed period for Interstate. Applicant's refund for this period amounts to \$2,667,375. In addition, after applying the settlement rates to the appropriate volumes of gas supplied to Applicant for all billing periods, January 1, 1959 through November, 1959, it was determined Applicant had overpaid the sum of \$3,245,329. Both items which include interest at 6% to the date of repayment, amounts to \$5,912,704, and this amount was received by the Company on January 11, 1960. If it is determined that Interstate during the Year 1959 earned a rate of return in excess of 6% on its jurisdictional sales, after audit by independent company auditors and review by the staff of the Federal Power Commission, additional refund sums will be received. Further, there will be added to the refund by Applicant to its customers any sums received as a result of Federal Power Commission's order to Colorado-Wyoming, minor refunds received by Applicant from Interstate and Colorado-Wyoming as their proportionate share of refunds of pipeline company suppliers in the Hugoton Field in Kansas and the Panhandle Field in Texas, a sum of \$686.39, a balance remaining from the Company's refund of 1956 as a result of the State of Texas gathering tax refund, and a sum to be computed by Applicant resulting from the overcharge by Applicant to its customers during the months of December 1959 and January 1960, due to the fact Interstate has already applied the new natural gas rate to sales to Applicant for this period. Applicant will calculate the amount of this overcharge after the close of its books for January, 1960.

Because of these sums still to be collected, the amount of which as yet being indeterminable and because of the relatively high cost of the refunding operation by Applicant to its customers, Applicant



proposes to delay its refund operation to its customers until all amounts are known. In the interim, the Company proposes to invest such sums as are now on hand and as they are received, in short term United States Treasury Bills, as was done in the case of the refund now in progress and pursuant to this Commission's Decision No. 51992. At such time as the total amounts to be refunded are known, Applicant will present to this Commission a plan of refunding for the Commission's approval.

Counsel for the City of Denver felt procedures as outlined herein were proper and offered no objections.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the foregoing Statement, by reference, is made a part hereof.

That the Commission is fully advised in the premises.

That the Commission has jurisdiction of the Applicant herein, of its tariffs, and of the subject matter herein involved.

That the proposed temporary riders reducing Applicant's rates for natural gas service for residential and commercial natural gas customers, and for its interruptible industrial customers supplied with natural gas purchased from Interstate, are just, reasonable, non-discriminatory, non-preferential, and should be permitted to be filed and become effective as hereinafter ordered.

That said temporary riders should be permitted to remain in force and effect until the final determination of the cost for natural gas purchased from Colorado-Wyoming Gas Company is made in Federal Power Commission's Docket No. G-13577. At said time the amounts of refund should be reviewed by this Commission and a determination made of any further reductions in the rates for natural gas service and further refunds that may be due to customers of Applicant.

That Applicant should invest all monies held by it and subject to refund in short term United States Treasury Bills until

needed for the refund payments. The interest thus received should be added to the refund monies.

That upon final determination of the total refunds due to customers of Applicant, a detailed plan of the refunding operation, including the estimated cost thereof, should be submitted to this Commission requesting its approval therefor.

That there should be added to the refund sums heretofore mentioned, any applicable sales and franchise taxes recoverable by Applicant.

That Applicant shall deduct from the total refund sums available the approved estimated cost of the refund operation.

That the Commission should retain jurisdiction in the matter to make such further order, or orders, as may be necessary.

#### O R D E R

##### THE COMMISSION ORDERS:

That the proposed temporary riders reducing its rates for natural gas service for residential and commercial natural gas customers, and for its interruptible industrial customers supplied with natural gas purchased from Interstate, are just, reasonable, non-discriminatory, non-preferential, and shall be permitted to be filed and become effective as hereinafter ordered.

That Applicant shall file additional sheets to its tariff Colorado PUC No. 3-Gas, Original Sheets 43, 43A and 43B, "Temporary Rider Emergency Gas Rate Adjustment" reducing the rates for residential and commercial natural gas service to customers supplied with natural gas purchased from Interstate and Colorado-Wyoming, per 100 cubic feet used per month \$0.00510, and reducing rates for interruptible industrial natural gas service rendered to customers in areas as described in Exhibit F, Page 1, per thousand cubic feet used per month \$0.01691, on not less than three days notice to the public and this Commission prior to the effective date thereof.

That said temporary riders shall be permitted to remain in force and effect until the final determination of the cost for natural

gas purchased from Colorado-Wyoming Gas Company is made in Federal Power Commission's Docket No. G-13577. At said time the amounts of refunds shall be reviewed by this Commission and a determination made of any further reductions in the rates for natural gas service and further refunds that may be due to customers of Applicant.

That Applicant shall invest all monies held by it and subject to refund in short term United States Treasury Bills until needed for the refund payments. The interest thus received shall be added to the refund monies.

That upon final determination of the total refunds due to customers of Applicant, a detailed plan of the refunding operation, including the estimated cost thereof, shall be submitted to this Commission requesting its approval therefor.

That there shall be added to the refund sums heretofore mentioned, any applicable sales and franchise taxes recoverable by Applicant.

That Applicant shall deduct from the total refund sums available the approved estimated cost of the refund operation..

That the Commission shall retain jurisdiction in the matter to make such further order, or orders, as may be necessary.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Regis  
Ralph C. Hoban  
Samuel H. Paulings  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of January, 1960.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE PUEBLO GAS AND FUEL COMPANY, )  
900 FIFTEENTH STREET, DENVER, COLO- )  
RADO, FOR AN ORDER AUTHORIZING IT )  
TO PUT INTO EFFECT A REDUCED GAS )  
RATE. )  
----- )

APPLICATION NO. 16032  
SUPPLEMENTAL ORDER

-----  
January 20, 1960  
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Appearances: Lee, Bryans, Kelly and Stans-  
field, Esqs., Denver,  
Colorado, by  
E. A. Stansfield, Esq.,  
and  
Bryant O'Donnell, Esq.,  
for Applicant;  
Gordon D. Hinds, Esq.,  
Pueblo, Colorado, for  
the City of Pueblo;  
Everett R. Thompson, Denver,  
Colorado, and  
Paul M. Brown, Denver, Colo-  
rado, for the Staff of  
the Commission.

S T A T E M E N T

By the Commission:

This is an application by the Pueblo Gas and Fuel Company, hereinafter called "Applicant," for authority from this Commission to put into effect a reduced gas rate in the area supplied by Applicant as a result of the settlement of Federal Power Commission Docket G-13541, involving an application by Colorado Interstate Gas Company, (Interstate), the wholesale supplier of Applicant, to the Federal Power Commission to put into effect increased wholesale rates for gas supplied by Interstate to its retail distributing companies.

The matter was set for hearing after due notice to all interested parties, on January 13, 1960, at ten o'clock A. M., at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and was heard on said date. At the conclusion of

the hearing, the matter was taken under advisement. No written petitions of intervention were received prior to the hearing, and no one appeared at the hearing in opposition to the authority sought to be granted in this application.

Applicant is a corporation, organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility operating company engaged in the purchase, distribution and sale at retail of natural gas for residential, commercial and industrial uses in the City of Pueblo and areas contiguous thereto. Applicant is a wholly-owned subsidiary of Public Service Company of Colorado.

A certified copy of its Articles of Incorporation, as amended to date, has heretofore been filed with this Commission.

A review of events leading into this application will be helpful in understanding the authority sought herein.

Applicant purchases all of its natural gas requirements from Interstate. On previous occasions in Federal Power Commission Docket Nos. G-2260, G-2576, G-11717, and G-13541, the rates of Interstate under which Applicant purchased gas, were increased, each time subject to final determination by the Federal Power Commission as provided by the Natural Gas Act. In turn, Applicant passed on these successive increases in cost to its customers as authorized by this Commission in its separate Decision Nos. 41847, 43943, 48256, and 49597. These increases were in the nature of temporary riders to the base rates of Applicant. These riders were subject to further order of this Commission upon final determination by Federal Power Commission of the rate to be charged by Interstate to its distributing companies. Late in 1958, a settlement agreement was reached between Interstate, its distributor customers, of which Applicant is one, and other regulatory agencies, of which this Commission was one, settling the amount of the overcharges in the first three rate increases in FPC Dockets G-2260, G-2576 and G-11717. The Federal Power Commission approved the settlement agreement in its decision of



December 30, 1958. Subsequently, the overcharges were returned to the distributing companies with interest. In accordance with Decision No. 52004 of this Commission, Applicant's share of these monies are now being returned to the customers of the Applicant. The settlement agreement did not establish the final rate to be charged by Interstate to its distributing companies, and, therefore, the temporary riders previously approved by this Commission, of necessity, continued in effect.

In October 1959, a conference was held in Washington, D. C., participated in by Interstate, interested distributing companies, the Federal Power Commission staff, and representatives of the utility Commissions of Colorado and Wyoming, the City and County of Denver, and others. As a result of this conference, an agreement was entered into between Interstate and the interested parties, finally settling the rate level to be applied in the future to the purchasers of natural gas from Interstate. The effective date of this rate is January 1, 1959. The terms of this settlement, among other things, provides for a refund to be made to the distributing companies by Interstate. The rate for firm gas set forth in the agreement was approved by the Federal Power Commission in its order issued December 31, 1959, in Docket G-13541, and is as follows:

Per MCF of demand per month -	\$1.50
Per MCF of commodity -	0.185

The rate previously in effect was:

Per MCF of demand, per month -	\$2.17
Per MCF of commodity -	0.205

The effect of this change is to decrease the cost of gas to Applicant, who, in turn, wishes to pass on to its customers in the same amount of the decreased cost. Based on normal temperature conditions, this decrease amounts to \$430,191 annually. Translated into rates charged by Applicant to its retail customers, the reduction will amount to 1.691¢ per MCF to industrial customers and 7.08¢ per MCF to its firm gas customers such as residential and commercial users. Since one of the industrial customers, by contractual



agreement, had not paid the total amount of the increases as they were applied, this customer will have its rate decrease adjusted by the same amount. Since Applicant absorbed the amount this customer did not pay in prior riders, Applicant will in the reverse procedure retain first the amount which was absorbed (1.4¢) and pass on only the remainder, or 0.291¢. Thus, the sums absorbed by the Company in the beginning will now be recovered.

The Company proposes to make these reductions effective with all meter readings on or after February 1, 1960.

Inasmuch as the reduced wholesale rate was first applied to gas delivered to Applicant for the month of December 1959, the customers of Applicant are overcharged for their purchases during December 1959 and January 1960. The Company will calculate the amount of this overcharge and add it to the other monies to be refunded to its customers at a later date when the total of all amounts to be refunded are known.

On January 11, 1960, Applicant received from Interstate, pursuant to the settlement agreement, \$800,074.09. There is a possibility of further refund by Interstate to its distributors which will depend upon the result of an audit by Interstate's independent auditors and later reviewed by the staff of the Federal Power Commission. If this order discloses greater than 6% rate of return, the amount in excess will be refunded to Interstate's customers following the procedures outlined in the stipulation agreement. Because of the relatively high cost of the refunding operation by Applicant to its customers, it believes a greater number of dollars will be returned to its customers if it waits until all monies to be refunded have been received. It will then offer to this Commission a plan of refund for the Commission's approval. Applicant will invest all monies to be refunded to its customers in short term United States Treasury Bills until its refunding payments are made. As a further cost reducing factor, Applicant proposes to accomplish its refunding procedure simultaneously with that of its parent company,

Public Service Company of Colorado. Applicant will, then, have in its refunding monies the above-mentioned sum received on January 11, 1960, the overbilling to its customers for the months of December 1959 and January 1960, and miscellaneous small sums being Applicant's proportionate share of Interstate's supplier and gathering tax refunds.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the foregoing Statement, by reference, is made a part hereof.

That the Commission is fully advised in the premises.

That the Commission has jurisdiction of the Applicant, of its tariffs, and of the subject matter herein involved.

That the proposed temporary riders reducing its rates for natural gas service for residential and commercial natural gas customers and for interruptible industrial customers, are just, reasonable, non-discriminatory, non-preferential, and should be permitted to be filed and become effective as hereinafter ordered.

That said proposed temporary riders should be permitted to remain in force and effect until changed in accordance with the law or the rules and regulations of this Commission.

That Applicant should invest all monies held by it and subject to refund in short term United States Treasury Bills until needed for the refund payments. The interest thus received should be added to the refund monies.

That upon final determination of the total refunds due to customers of Applicant, a detailed plan of the refunding operation, including the estimated cost thereof, should be submitted to this Commission requesting its approval therefor.

That there should be added to the refund sums heretofore mentioned any applicable sales and franchise taxes recoverable by Applicant.

That Applicant shall deduct from the total refund sums available the estimated cost of the refund operation.

That the Commission should retain jurisdiction in the matter to make such further order, or orders, as may be necessary.

O R D E R

THE COMMISSION ORDERS:

That the proposed temporary riders reducing its rates for natural gas service for residential and commercial natural gas customers and interruptible industrial customers are just, reasonable, non-discriminatory, non-preferential, and shall be permitted to be filed to become effective February 1, 1960.

That Applicant shall file an additional sheet to its tariff, Colorado PUC #5, Gas, designated Original Sheet #23A, "Temporary Rider, Emergency Gas Rate Adjustment," reducing the rates for residential and commercial natural gas service per 100 cubic feet used per month, \$0.00708, and for interruptible industrial natural gas service reducing the rate per 1,000 cubic feet used per month \$0.01691, and for special contract interruptible industrial service, reducing the rate per 1,000 cubic feet used per month \$0.00291, on not less than three days notice to the public and this Commission prior to the effective date thereof.

That the temporary riders as mentioned above shall be permitted to remain in full force and effect until changed in accordance with the law or the Rules and Regulations of this Commission.

That Applicant shall invest all monies held by it and subject to refund in short term United States Treasury Bills until needed for the refund payments, and the interest thus received shall be added to the refund monies.

That upon final determination of the total refunds due to customers of Applicant, a detailed plan of the refunding operation, including the estimated cost thereof, shall be submitted to this Commission requesting its approval therefor.

That there shall be added to the refund sums heretofore mentioned, any applicable sales and franchise taxes recoverable by

Applicant.

That Applicant shall deduct from the total refund sums available the approved estimated cost of the refund operation.

That the Commission shall retain jurisdiction in the matter to make such further order, or orders, as may be necessary.

That this order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Hocking  
Henry Spulver  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of January, 1960.

ea

original

(Decision No. 53735)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
A. B. MOORE, DOING BUSINESS AS "A & )  
L TRUCKING CONTRACTOR, BOX 235, )  
TRINIDAD, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE CAR- )  
RIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 17511-PP

-----  
January 21, 1960  
-----

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of clay, from point to point within a radius of fifty miles of Trinidad, Colorado.

Said application was regularly set for hearing, at the Court House, Trinidad, Colorado, December 21, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

At the time and place designated for hearing, applicant failed to appear, either in person or by counsel.

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed for lack of prosecution.

O R D E R

THE COMMISSION ORDERS:

That Application No. 17511-PP should be, and the same hereby is, dismissed for lack of prosecution .

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Hiron*  
*Edwin C. Hutton*  
*James S. Paulsen*  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of January, 1960.  
mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
R. S. THOMPSON, KIM, COLORADO, FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE ) APPLICATION NO. 17530-Extension  
AND NECESSITY, AUTHORIZING EXTENSION )  
OF OPERATIONS UNDER PUC NO. 853. )  
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-----  
January 21, 1960  
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Appearances: John P. Thompson, Esq., Den-  
ver, Colorado, for Appli-  
cant.

S T A T E M E N T

By the Commission:

Heretofore, R. S. Thompson, Kim, Colorado, was granted a cer-  
tificate of public convenience and necessity (PUC No. 853), authorizing  
operation as a common carrier by motor vehicle for hire, for the trans-  
portation, not on schedule, of:

general freight, including livestock, and dairy  
products, on call and demand, from point to  
point within the territory bounded by Las Animas  
County Lines on the north and south, and lines  
drawn through points located respectively 25  
miles west of Kim, Colorado, to and from points  
in said area, from and to Branson, Trinidad,  
Pritchett, Springfield, Lamar, La Junta, and  
Colorado-Kansas State Line and the Colorado-  
Oklahoma State Line, and livestock and farm pro-  
ducts, from and to points in said area, to and  
from Denver and Pueblo; provided, however, that  
applicant shall not establish a line-haul car-  
rier service in competition with the service of  
the Springfield-Lamar Truck Line between Lamar  
and Springfield, or Harry T. Warner, between  
Branson and Trinidad or intermediate points.

Subsequently, the following operating rights were stricken  
from the original grant of authority:

right to transport general freight, except live-  
stock, grain, and beans, from and to Kim, to and  
from Trinidad, Pritchett, Lamar, Springfield and  
La Junta, applicant to retain such right as to  
other points in the area above covered.



By the instant application, said certificate-holder seeks authority to extend operations under said PUC No. 853, to include the right to transport livestock and farm produce, between points within a radius of seventy-five miles of Kim, Colorado, and from and to points in said radius, to and from points in the State of Colorado; provided, however, that in the operation of said authority, no office shall be kept or maintained for operation or solicitation of business at any other point than Kim, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Trinidad, Colorado, December 21, 1959, at 11:00 A. M., and at the conclusion of the evidence, the matter was taken under advisement.

In substance, PUC No. 853 provides for transportation within a twenty-five-mile radius of Kim, Colorado. Many of applicant's present customers, who are primarily ranchers, have acquired lands, either by lease for temporary purposes, or by purchase, beyond applicant's twenty-five-mile radius. Although they are headquartered in the vicinity of Kim, they will often require the services of applicant from a point beyond his present radial authority to other points in the State of Colorado. It was well established by numerous shipper witnesses who testified in support of the application that there are many shippers who live beyond the present territorial authority of applicant, who are also a great many miles from other carriers who would be authorized to serve the territory, but Kim, the proposed headquarters of applicant, is the nearest point and does constitute the primary trading center for the area.

The Commission deems that the location of Kim and the population density is of vital importance in the determination of this application. Kim is located in Eastern Las Animas County, in a sparsely settled area. The nearest cities of any consequence are Trinidad, which

is some eighty miles to the west, or La Junta, which is some seventy miles to the north. Thus, there are many shippers who, although living beyond the present territory authorized to be served by applicant, nevertheless do not have a carrier who is desirous of making the long trip empty to service these ranchers. For all practical purposes, these ranchers are without any transportation service.

### F I N D I N G S

#### THE COMMISSION FINDS:

That public convenience and necessity require applicant's proposed extended motor vehicle common carrier call and demand transportation service under PUC No. 853, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That public convenience and necessity require the extended motor vehicle common carrier call and demand transportation service of R. S. Thompson, Kim, Colorado, under PUC No. 853, for the transportation of livestock and farm produce, between points within a radius of seventy-five miles of Kim, Colorado, and from and to points in said radius, to and from points within the State of Colorado; provided, however, that in the operation of said authority, no office shall be kept or maintained for operation or solicitation of business at any other point than Kim, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate his carrier system in accordance with the Order of the Commission, except when prevented by Act of God, the public enemy or extreme conditions.

That this Order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Benjamin J. Pulley  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of January, 1960.

mls

original

(Decision No. 53737)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN SALAZAR AND ROSABELLE SALAZAR, )  
ROUTE 2, BOX 262, TRINIDAD, COLORADO, ) APPLICATION NO. 17512-PP-Extension  
FOR AUTHORITY TO EXTEND OPERATIONS )  
UNDER PERMIT NO. B-2076. )  
-----

-----  
January 21, 1960  
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S T A T E M E N T

By the Commission:

Applicants herein seek authority to extend operations under Permit No. B-2076, to include the right to transport clay and clay products, from pits and supply points in the State of Colorado within a radius of one hundred miles of Trinidad, Colorado, to Empire Clay Company, Trinidad, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Trinidad, Colorado, December 21, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

At the time and place designated for hearing, applicants failed to appear, either in person or by counsel.

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed for lack of prosecution.

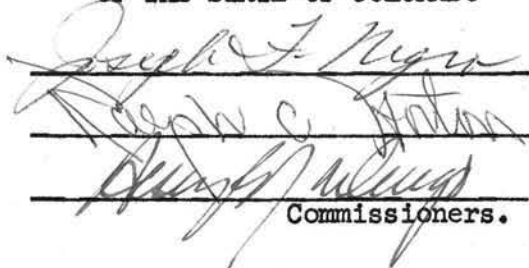
O R D E R

THE COMMISSION ORDERS:

That Application No. 17512-PP-Extension be, and the same hereby is, dismissed for lack of prosecution.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of January, 1960.  
mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
AMOS BROWN, P. O. BOX 416, LINDALE, )  
TEXAS. )

PERMIT NO. M-19

January 26, 1960

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Amos Brown, Lindale,  
Texas  
requesting that Permit No. M-19 be cancelled.

## FINDINGS

**THE COMMISSION FINDS:**

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-19, heretofore issued to Amos Brown, Lindale,  
Texas be,  
and the same is hereby, declared cancelled effective January 15, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Frank C. Woodard  
Homer E. Zurling  
Commissioners

Dated at Denver, Colorado,  
this 26th day of January, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GENERAL MACHINERY AND SUPPLY COMPANY, )  
(A CORPORATION), 705 BOSTON BUILDING, )  
DENVER 2, COLORADO. )  
----- )

PERMIT NO. M-1241

-----  
January 26, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from General Machinery and Supply Company (A Corporation), Denver 2, Colorado requesting that Permit No. M-1241 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1241, heretofore issued to General Machinery and Supply Company (A Corporation), Denver 2, Colorado be, and the same is hereby, declared cancelled effective January 21, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Raymond C. Rodden  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 26th day of January, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BERT NAUTA, CARPENTER, WYOMING. )  
 )  
 )  
 )  
 )  
 )

PERMIT NO. M-2879

January 26, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Bert Nauta,  
Carpenter, Wyoming  
requesting that Permit No. M-2879 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2879, heretofore issued to Bert Nauta, Carpenter,  
Wyoming be,  
and the same is hereby, declared cancelled effective January 19, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Horton  
Henry E. Zurling  
Commissioners

Dated at Denver, Colorado,

this 26th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CLARENCE NACE, WELLINGTON, COLORADO. )

PERMIT NO. M-5021

January 26, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Clarence Nace,  
Wellington, Colorado  
requesting that Permit No. M-5021 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5021, heretofore issued to Clarence Nace,  
Wellington, Colorado be,  
and the same is hereby, declared cancelled effective January 18, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Robert C. Hordant  
Wm. E. Zwickler  
Commissioners

Dated at Denver, Colorado,

this 26th day of January, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE PETITION OF THE COLORADO MOTOR )  
CARRIERS' ASSOCIATION, FOR AN ORDER )  
MODIFYING PARAGRAPH 6, PAGE 3, OF )  
DECISION NO. 53490, DATED )  
DECEMBER 3, 1959. )  
-----

CASE NO. 1585

-----  
January 20, 1960  
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S T A T E M E N T

By the Commission:

On December 3, 1959, the Commission issued its order (Decision No. 53490) wherein it prescribed an emergency surcharge of fifty (50) cents on each bill of lading covering shipments weighing 2,000 pounds or less transported locally on their own lines or jointly with other carriers by Boulder-Denver Truck Line, Inc., Centennial Truck Lines, Inc., Denver-Limon-Burlington Transfer Co., Floyd A. Henrikson, doing business as Denver-Loveland Transportation, McKie Transfer Co., North Eastern Motor Freight, Inc., Overland Motor Express, Inc., Richard H. and Lois Mae Eshe, doing business as South Park Motor Lines, Westway Motor Freight, Inc., John B. Windecker, doing business as Windecker Truck Line, and motor vehicle common carriers operating over scheduled routes and Class A private carriers by motor vehicle, in competition with any of the above named carriers, to become effective December 23, 1959, on fifteen (15) days' notice.

The Commission is now in receipt of a petition from The Colorado Motor Carriers' Association, requesting an order modifying Paragraph 6, Page 3, of Decision No. 53490, dated December 3, 1959, to read as follows:

"6 - Class A private carriers by motor vehicle, in competition with any of the carriers named in paragraph 3 of this Order shall publish or cause to be published rates, rules, regulations and provisions which shall not be less than those herein prescribed."

In support of the request the petition sets forth the following:

"1. That, on December 1, 1959, your petitioner's Application No. 135 was filed with this Commission and that, by that application, your petitioner requested authority to establish a surcharge of 50¢ per shipment, as set forth more fully in the application, for account of certain named scheduled line haul common carriers and, of course, any private carriers who might be competing therewith;

"2. That, this action was taken by your petitioner only after this matter had been handled through the regular docket procedure of this association's Tariff Bureau, as set forth in its Rules of Procedure, and only after all interested carriers participating in your petitioner's Tariff 12-A were notified of the proposal and given an opportunity to participate therein;

"3. That, those carriers named in Paragraph 3 of Decision No. 53490 were aware of the fact that other scheduled line haul common carriers, competing with some of them, were not parties to Application No. 135, and that there would be a difference in the charges via common carriers serving between some points if they were authorized to assess the proposed 50¢ surcharge on their own lines;

"4. That, this Commission, in prescribing the 50¢ surcharge in its Decision No. 53490, broadened the proposed application of the charge by including the words, 'Motor vehicle common carriers operating over scheduled routes and,' in Paragraph 6 of said Decision;

"5. That, this Order of the Commission results in the application of the 50¢ surcharge by scheduled line haul common carriers who did not request it, who do not want it, and who could not and did not present justifying financial statements in support of the proposal;

"6. That, the known scheduled line haul common carriers who are adversely affected by the broadening of the application of the 50¢ surcharge are Brighton-Fort Lupton Transfer, Inc., Castle Rock Transfer, Thomas D. Lane Truck Lines, and McKenna and Beardsley;

"7. That, the scheduled line haul common carriers with whom the carriers named in Paragraph 6 hereof are competing, viz.: Centennial Truck Lines, Inc., McKie Transfer Co., and Westway Motor Freight, Inc., have been informed of this petition, and that they do not object to its filing."

Appendix "A" attached hereto shows the operating authority of McKenna and Beardsley under Certificates Nos. 26, 692, and 1938 and Private Permit No. A-626. None of these certificates authorizes a common carrier service which would be competitive with McKie Transfer Co., or the Denver-Loveland Transportation on intrastate traffic from or to Denver, Colorado.

The said appendix also sets forth the territory of Castle Rock Transfer, Thomas D. Lane and Brighton-Ft. Lupton Transfer, which is competitive with Centennial, or Westway.

The petition of the Colorado Motor Carriers' Association states that the known scheduled line haul common carriers are those named in Paragraph 6 hereinbefore set forth. However, there may be other motor common carriers who are, or may be, in competition with those carriers to whom the surcharge is applicable. Therefore, the modified order should be broad enough to cover any and all competitive scheduled motor vehicle common carriers, also Class "A" private carriers by motor vehicle who are operating in competition with those scheduled motor vehicle common carriers who are herein being exempted from the application of the fifty (50) cents surcharge.

The granting of this Petition, however, creates a situation whereby there is a rate differential of fifty cents between competing scheduled common carriers. In some instances, call and demand common carriers who carry freight that falls within the purview of this tariff, in competition with scheduled carriers must charge the twenty per cent penalty, which will also result in a discrepancy in the amount that the call and demand carrier must charge over and above that of the competing line haul carriers. In some instances, where the call and demand carrier competes with a carrier who has placed the fifty cents surcharge in effect, he must charge an additional ten cents. At the same time, however, he may be competing with another scheduled common carrier in the same area who does not charge the fifty cents surcharge, so that the additional ten cents would not apply with relation to that carrier. It is patently obvious that such a rate differential in the same area creates a rate distortion. It is the view of the Commission that under these circumstances, hearing should be held on the fifty cents surcharge, in order to determine if said surcharge, as now applied, with the exceptions established by virtue of this Order, is unjust, unreasonable, and unduly discriminatory.



In view of the fact that the surcharge was allowed to take effect as to the petitioning carriers and is not suspended, the surcharge will remain in full force and effect, until final determination by the Commission as to the petitioning carriers, to be determined finally by the hearing to be held thereon.

### F I N D I N G S

THE COMMISSION FINDS, That:

1. Case No. 1585 should be reopened, and Decision No. 53490 be modified to the extent necessary to eliminate the application of the fifty (50) cents surcharge on Colorado intrastate traffic transported by scheduled motor vehicle common carriers operating in competition with Boulder-Denver Truck Line, Inc., Centennial Truck Lines, Inc., Denver-Limon-Burlington Transfer Co., Floyd A. Henrikson, doing business as Denver-Loveland Transportation, McKie Transfer Co., North Eastern Motor Freight, Inc., Overland Motor Express, Inc., Richard H. and Lois Mae Eshe, doing business as South Park Motor Lines, Westway Motor Freight, Inc., and John B. Windecker, doing business as Windecker Truck Line.

2. The said surcharge should also be made inapplicable in connection with Class "A" private carriers by motor vehicle who are operating in competition with those scheduled motor vehicle common carriers who are herein being exempted from the said surcharge.

3. That a hearing should be held, to determine whether or not said fifty cents surcharge is unjust, unreasonable, or unduly discriminatory, but that save and until final Order of this Commission, based upon said hearing, said surcharge shall remain in full force and effect as to the petitioning carriers enumerated in the preceding Statement.

### O R D E R

THE COMMISSION ORDERS, That:

1. Case No. 1585 be and the same is hereby reopened.  
2. This order shall become effective forthwith.  
3. The Statement and Findings be and they are made a part hereof.  
4. Paragraph 6 of the Order entered under Decision No. 53490 is hereby cancelled and held for naught.



5. The emergency fifty (50) cents surcharge prescribed in Decision No. 53490 shall not apply on traffic transported by scheduled motor vehicle common carriers and operating as such, in competition with those motor vehicle common carriers named in Paragraph 3 of Decision No. 53490, nor, shall the said surcharge apply to Class A Private Carriers by Motor Vehicle operating in competition with the scheduled motor vehicle common carriers who are herein being exempted.

6. Except, as provided in Paragraph 5 herein, Class A Private Carriers by Motor Vehicle operating in competition with any of the carriers named in Paragraph 3 of Decision No. 53490, shall apply the emergency fifty (50) cents surcharge as a minimum.

7. The elimination of the emergency fifty (50) cents surcharge shall be made effective January 28, 1960, on one day's notice, as provided by law and the rules and regulations of the Commission.

8. The Order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.

9. That hearing be held on said surcharge, to determine whether or not it is unjust, unreasonable, or unduly discriminatory, at a time and place to be fixed by the Commission, and that the petitioning carriers be, and they hereby are, ordered to present evidence on said issue, but that said surcharge shall remain in full force and effect as to the petitioning carriers until final Order of this Commission.

10. Jurisdiction is retained to make such further Orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph J. Nigro*  
*Ralph C. Katon*  
*Philip J. DeLoe*  
Commissioners

Dated at Denver, Colorado,  
this 20th day of January, 1960.

mem

APPENDIX "A"

Authority of McKenna and Beardsley

P.U.C. No. 26

Route 1: Beginning at Denver, Colorado; thence north along the paved highway to Broomfield with the right to deliver and take freight and express at Broomfield, and at intermediate filling stations, garages and tourist camps, or within a radius of five miles of Denver, Broomfield, and said paved highway; from Broomfield north and west about four miles to the Monarch Mine No. 2 and store and camp of the National Fuel Company, with authority to deliver and take freight and express at said point, along or within a radius of five miles of the road between said mine and Broomfield; thence north about four miles to the town of Louisville, with the right to take and deliver freight and express along said road, or within a radius of five miles thereof; thence east and north about three miles to the Town of Lafayette with the right to take, deliver, and transport freight and express to and from the various farms, mines and mining camps within a radius of five miles of the said Town of Lafayette, as well as in said towns; and thence north and east to the Town of Erie, Colorado, with authority to deliver and take freight, express, and mining supplies located in or within five miles of the said Town of Erie; and thence north to Firestone, Colorado, with authority to take and deliver freight, express, and mining supplies along said road between Erie and Firestone, and at any point within a radius of five miles of said road or said towns, the right to transport milk and cream being excluded from this authority;

Route 2: Beginning at Erie, Colorado, thence north five miles along the Erie-Longmont Highway, said highway being located on the County Line dividing Weld and Boulder Counties; thence south along the same route five miles to Erie; thence west to the hamlet of Canfield; thence south three-fourths of a mile; thence west one and one-half miles to a point on the Denver-Longmont paved highway at a point two miles north of the intersection of same with the Boulder paved highway; thence west one and one-half miles; thence south two miles to a point on the Boulder paved highway seven miles east of Boulder; thence west two miles to a point five miles east of the City of Boulder; thence south one mile to Base Line Road; thence east along said Base Line Road two miles; thence south one and one-half miles to Louisville; thence south one and one-half miles; thence east two miles to Rickard's Corner on paved highway two miles south of Lafayette; thence south on said paved highway to Broomfield; thence south on Wadsworth Avenue to Arvada; thence on the paved highway to Denver, with the right to haul freight and express along said route, or within a radius of five miles thereof, and with the right to haul freight and express into and out of and between Arvada and Denver, with the further authority for the transportation of freight, generally, between Denver and Eldorado Springs, Colorado, the right to transport milk and cream being excluded from this authority. Excepted from said authority is the right to haul freight or express within a radius of five miles of Boulder, Colorado, as carved out of said authority in transfer to Overland Motor Express by Decision No. 23083; and excepting, also, from said authority the right to haul freight, express, and farm products within a radius of five miles of Arvada, or within a radius of five miles of Highway No. 72, extending between Denver and Arvada, Colorado, and excepting also all authority for the transportation of freight to or from the whole area of the Atomic Energy Rocky Flats Plant, as carved out of said authority and transferred to Thomas D. Lane Truck Lines, by Decision No. 39801.

P.U.C. No. 692

Transportation of freight between the City of Denver and the Towns of Windsor and Severance, Colorado, but not to or from intermediate points; freight between Greeley, Bracewell, Farmers Spur, Windsor, Johnstown, and Severance; all commodities (no express) from Denver to Timnath and Wellington, via Windsor (with no intermediate service between Denver and Greeley), only intermediate service between Windsor and Wellington; between Loveland, Greeley, Windsor, Timnath, and Wellington; from Wellington, Timnath and Windsor, to Greeley, Fort Collins, Loveland, and Denver (no intermediate service between Denver and Greeley on U.S. Highway No. 85); and from Fort Collins to Windsor, Timnath, Wellington and Greeley (without authority to transport freight from Fort Collins to Loveland or Denver or any intermediate points on U.S. Highway No. 285 (now U.S. Highway No. 287)), and no authority to transport freight from Greeley to Denver, Colorado; freight on schedule, to and from the U.S. Army Internment Camp, located on U.S. Highway No. 34, approximately eight miles west of Greeley, from and to points presently authorized to be served.

P.U.C. No. 1938

Transportation of livestock, between points in Larimer County lying north of the south boundary line of the City of Fort Collins, as extended, and all other points with the State of Colorado, and the transportation to the farms only, within said territory, of farm machinery and stock feeds and farm supplies from all other points in the State.

Private Permit No. A-626

Transportation of freight other than milk and cream to the Towns of Hygiene, Niwot, and Longmont, Colorado, and the transportation of freight between Denver and Wellington, Colorado, via U.S. Highway No. 87, with service to intermediate points, including the right to serve points not exceeding ten miles east of Highway No. 87 between Denver and Wellington and points not exceeding five miles west of Highway No. 87 between the Larimer-Boulder County Line and Wellington, Colorado; freight rights in the above authority retained by Decision No. 41034.

The above authorities are quoted from the Commission's Decision No. 44799, dated October 28, 1955.

Castle Rock Transfer

For the purpose of this Order, the authority of the Castle Rock Transfer is in competition with the Centennial Truck Lines, Inc., between Denver, on the one hand, and points on its route six (6) miles south of Littleton, Sedalia, Castle Rock, Larkspur, and points on its route within four (4) miles of Larkspur, on the other hand. Also between Littleton and the above referred points south thereof. The balance of the authority of this carrier is non-competitive with Centennial.

Thomas D. Lane Truck Line

The Thomas D. Lane Truck Line, in part, is authorized to operate between Denver, on the one hand, and Arvada and a radius of five (5) miles of Arvada, and a radius of five (5) miles on either side of Colorado Highway No. 72 between Denver and Arvada, on the other hand. Also between Denver and Rocky Flats.

Brighton-Ft. Lupton Transfer, Inc.

Freight and Express, except milk and cream, between Denver, Colorado, on the one hand, and the following described territory, on the other hand:

Commencing at the north boundary line (80th Ave.) of the Town of Derby, Colorado, extended westerly some one and one-half ( $1\frac{1}{2}$ ) miles to and across the Platte River; thence north, generally parallel thereto, to a point situated some mile and three-quarters ( $1\frac{3}{4}$ ) west of Brighton; thence north along the highway paralleling and at a distance of about a mile west of said river to a point about a mile and three-quarters ( $1\frac{3}{4}$ ) west of the northern limits of Ft. Lupton; thence east to a point about a mile and three-quarters ( $1\frac{3}{4}$ ) east of said town limits of Ft. Lupton; thence south on a line running approximately two miles (2) east of the Ft. Lupton-Brighton-Denver Highway to the easterly extension of the north boundary line (80th Avenue) of the Town of Derby, Colorado, to and including the City of Ft. Lupton, Colorado, with service being authorized to all points in said territory intermediate between the north Boundary line of Derby, Colorado, and Ft. Lupton, Colorado, including Ft. Lupton. Also from and to points within a radius of five (5) miles of the City Limits of the City and County of Denver, to and from points in applicant's presently authorized territory, except Denver, Colorado.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GREAT NORTHERN UTILITIES COMPANY, A )  
CORPORATION, 8301 SHERIDAN BOULEVARD, )  
ARVADA, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY, )  
AUTHORIZING DISTRIBUTION AND SALE OF )  
WATER FOR DOMESTIC USE, IN JEFFERSON )  
COUNTY, STATE OF COLORADO, AND ALONG )  
THE PIPE LINE, OR PIPE LINES, AND )  
CONDUITS TO BE CONSTRUCTED BY APPLI- )  
CANT. )

APPLICATION NO. 16935-Amended  
SUPPLEMENTAL ORDER

- - - - -  
January 21, 1960  
- - - - -

Appearances: J. Fred Schneider, Esq.,  
Denver, Colorado, for  
Applicant;  
Irving J. Hayutin, Esq.,  
Denver, Colorado, for  
Northwest Water Corp.,  
Protestant;  
J. M. McNulty, Denver,  
Colorado, and  
Everett R. Thompson, Den-  
ver, Colorado, for the  
Commission.

S T A T E M E N T

By the Commission:

The above-entitled application was filed with this Commission on March 13, 1959. A hearing was held on said application on May 6, 1959, and on June 22, 1959, the Commission issued its Order, Decision No. 52548, denying the application as requested. Applicant herein filed its Petition for Rehearing on June 29, 1959, and on July 2, 1959, by Decision No. 52613, the Commission granted the Petition for Rehearing.

This matter was set for rehearing October 29, 1959, at ten o'clock A. M., in the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, after due notice to all interested parties. At said time and place, the rehearing was held and at the conclusion thereof,

the matter was taken under advisement by the Commission.

The Commission, in denying the certificate sought herein, in its Order of June 22, 1959, Decision No. 52548, stated as one of the principal reasons that the financial responsibility of Applicant had not been satisfactorily established. At the rehearing held herein, Applicant submitted additional evidence in regard to financing, which, in turn, was predicated upon a different stage of development of the proposed water system. While the ultimate development planned in the area sought to be certificated herein was not changed, neither in respect to availability of water nor ultimate number of customers to be served, Applicant in the rehearing proposed to develop his land in stages, serving those areas that can be served with deep well water prior to constructing its surface water treatment system.

It is the Applicants basic plan to develop a limited amount of his land for home sites which can be served by well water at a relatively small investment. It is hoped that the initial development will stimulate sales of the balance of his land to furnish capital to complete the development of the water company. The Applicant proposes to sell sufficient land to enable him to embark upon the development of several stages, as shall hereinafter be set forth. The Commission is satisfied that this limited operation is feasible and it has good prospects of adequate financing. We believe that we can thus approve the initial stages of the project without danger to the public. Any other development, however, lacks adequate financing at this time. We, therefore, prohibit the Applicant from development beyond the stages enumerated in his Exhibit 1-A through Stage 1-D, during the year 1963, without first having obtained the approval of this Commission upon demonstration of financial responsibility.

Evidence was submitted supported by exhibits setting forth the proposed development plan for the Water Company, whereby certain areas in the Far Horizons Subdivision, Taylor Heights Subdivision,



and Lake Vista Subdivision would be developed in incremental stages starting with water from existing Wells Nos. 1, 2 and 3. Since the record and exhibits at the first hearing, together with the Commission's decision were made a part of this record, no useful purpose would be served herein to repeat all of the Statement set forth by Decision No. 52548.

At the rehearing, Applicant submitted Exhibit 4-A, being an Agreement for the Purchase and Sale of certain real estate by and between Esta Parr and Glennie Parr; as sellers, and Kenneth Gantenbein, as purchaser. This agreement provides, among other things, that Mr. Gantenbein will pay a total of \$300,000 for a tract of land, the initial payment of \$75,000 in cash at the time of closing; \$50,000 by conveyance by Warranty Deed for certain residences having an equity of at least said amount, and by execution of a Promissory Note in the amount of \$175,000 secured by a Trust Deed on property covered in the Agreement. Mr. Parr, President of Great Northern, testified at the hearing that if this Agreement is consummated, he proposes to invest \$125,000 in common stock in the Water Company. He will obtain this money partly by the cash down payment by Mr. Gantenbein at the time of closing and the balance from a loan which he will endeavor to secure on the property covered by the Promissory Note secured by the First Deed of Trust. The \$125,000 invested as equity in the Water Company should be sufficient to provide the necessary capital for service for certain stages of construction contemplated herein. It is also planned that as water becomes available in Lake Vista and Taylor Heights Subdivisions, land which the Water Company owns therein can be sold to other builders or to individuals which will provide a further source of funds to the utility.

A substantial portion of the resources of the water company is from the sale of its stock. This stock has no market other than with its President, Mr. Parr. In order to preserve the financial in-

tegrity of the Company, we will prohibit it from repurchasing its own stock or from incurring any indebtedness for capital improvements without the prior approval of this Commission.

The Agreement (Exhibit 4-A) has certain contingencies set forth in Paragraph 7 (a) to (f), inclusive. Should any of these contingencies not be met or completed to the satisfaction of both parties, then the Agreement by its terms is held for naught and both parties are relieved of any obligation. No useful purpose would be served herein by granting a certificate to Applicant if the Agreement referred to is not consummated. One of the conditions for the issuance of a conditional certificate to be issued herein will be that proof be furnished to this Commission by the Applicant herein within ninety days of the effective date of the order to follow, that the Agreement has been executed and is in full force and effect, and that all the contingencies set forth therein have been met.

By the execution of the Agreement, Mr. Parr will receive \$75,000 in cash, but this, in our opinion, is not sufficient to begin the initial phases of the utility construction and operation and therefore another condition imposed will be that Mr. Parr also furnish to this Commission within a six month period proper evidence that he has obtained the loan as contemplated, or cash from any other source. Mr. Parr is receiving this money as an individual and while, according to the testimony, he intends investing \$125,000 initially in common stock of the Water Company, evidence of this investment will have to be given to the Commission within the time allotted before the conditions imposed in the certificate will be lifted.

At such time as this Water Company has available to it the \$125,000 specified herein over and above the investment already made, it should then be in a position to proceed with the stages of development proposed by Applicant during the years set forth for each stage,

as follows:

<u>Stage No.</u>	<u>Amount to be Invested</u>	<u>Well No.</u>	<u>Gallons per Minute</u>	<u>Number of taps to be Connected</u>
1 - A 1960	\$ 10,435	2	70	70
2 - A 1960	20,167	1	25	25
1 - B 1961	18,304	4	75	75
2 - B 1961	42,332	7	40	40
1 - C 1962	14,551	3	80	80
2 - C 1962	24,712	6	35	35
1 - D 1963	18,504	5	65	65
Totals	\$149,005	7	390	390

All of the above stages of construction have to do with well water only and involve the drilling and development of seven wells. At the present time, Applicant has drilled and ready for operation Wells Nos. 1, 2 and 3. If all seven wells are developed and produce according to the testimony, Applicant will have available 390 gallons per minute of well water. The gallon per minute to be based on not more than 16 hours pumping per 24 hour day. It will be noted from the tabulation above, that the above number of taps to be connected corresponds to the number of gallons per minute expected to be produced by the wells. Any development beyond that contemplated above, will be from surface water rights which will require surface treatment facilities as well as enlarged surface water storage. Under the time element proposed herein, this surface water development will begin in the year 1964 and would require additional capital outlay by Applicant at that time. Under the stages listed above, Applicant would be required to have approximately \$149,000 for plant and equipment, of which \$125,000 will be on hand prior to the start of construction. Because of the nature of Applicant's future financing by the sale of real estate, we cannot authorize all of the facilities proposed herein. We feel, however, that Applicant should be permitted to proceed with the development of well water by the seven wells which will enable it to develop its real estate holdings which should provide additional capital prior to the time it will be necessary to start development of

the surface water. While the exhibits show that the surface water should be ready for development in 1964, this timing could be delayed depending upon the building of houses in the Far Horizons, Lake Vista and Taylor Heights Subdivisions. At some future date, as Applicant approaches the connection of 390 taps to be authorized herein, it can make further application to the Commission for a further showing as to its then financial and operating position and the need for additional taps. Under the certificate to be issued herein, we will authorize development pursuant to the plan of stage development 1 A through 1 D, as shown above, not to exceed 390 taps. The area to be certificated will be as proposed by Applicant, but the building of homes will be restricted to those parts of Lake Vista, Taylor Heights and Far Horizons Subdivisions as are shown in Exhibit 3-A, and as defined in our Order herein. Service to more customers or in different areas than specified herein is expressly prohibited until the Applicant has satisfied the Commission as to its financial responsibility.

Mr. Irving Hayutin appeared as a protestant on behalf of Northwest Water Corporation, principally in regard to protection of the water rights now held by Northwest Water, both deep well and surface water. While this Commission is interested in water rights held by utilities under its jurisdiction, this interest must lie only in the adequacy of water and the right to use said water. The adjudication of water rights lies with the courts and this Commission is powerless to adjudicate the rights even if it so desired. Every water utility issued a certificate by this Commission must defend its water rights if the occasion arises. As far as the instant record is concerned, there is no evidence that Great Northern is not entitled to use the water it claims for the purposes intended.

## F I N D I N G S

### THE COMMISSION FINDS:

That it has jurisdiction of Applicant and of the subject matter of the instant application.

That the above Statement be made a part hereof by reference.

That the Commission is fully advised in the premises.

That a certificate should be issued to Great Northern Utilities Company to operate as a public utility for the purpose of serving water in the area set forth in the order to follow under the conditions as specified in said Order.

That at such time as Applicant has complied with the conditions as set forth, a supplemental Order of the Commission should be issued.

If Applicant has not obtained the Supplemental Order within six months from the effective date of the Order herein, no certificate should issue.

## O R D E R

### THE COMMISSION ORDERS:

That Applicant, Great Northern Utilities Company, Arvada, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity, subject to the conditions set forth herein, for the rendering of water service as a public utility in the area described as follows:

Lake Vista Subdivision - Forty-four (44) building sites in the NE<sup>1</sup><sub>4</sub> of Section Twenty-seven (27), Township two (2) South, Range 69 West, Jefferson County, Colorado;

Taylor Heights Subdivision, of approximately one hundred fifty-two sites, in the NW<sup>1</sup><sub>4</sub> of Section twenty-six (26), Township two (2) South, Range 69 West, Jefferson County, Colorado;

Far Horizons Subdivision (proposed) one thousand sites in the East half of Section Twenty-five (25), Township two (2) South, Range 69 West, Jefferson County, South of the Colorado and Southern Railroad tracks.

That the certificate to be issued herein shall not become effective until such time as Applicant has obtained a Supplemental Order from this Commission upon proof that it has met all the contingencies set forth in Paragraph 7 (a) to (f), inclusive, in the Agreement submitted as Exhibit 4-A in the instant matter; and that it has received cash for the sale of its common stock in the amount of \$125,000.

That Applicant be, and it hereby is, granted a period of six months from the effective date of the Order herein, within which to comply with the conditions set forth above.

That the total number of customers to be served by Applicant in the areas set forth above is limited to 390, or one customer for each gallon of water per minute produced by its wells, base on not more than sixteen hour pumping per twenty-four hour day.

That the certificate to be issued herein is predicated upon the use of well water and that at such time as Applicant proposes to develop its surface water, it shall apply to this Commission for additional customers or territory, and make a showing of its then financial and operating condition.

That Applicant shall not repurchase any of its capital stock or incur any indebtedness other than current liabilities of not more than 90 days duration, without prior approval of this Commission.

That at such time as a certificate is issued, Applicant shall set up and maintain its books and accounts in accordance with the Uniform System of Accounts as prescribed by this Commission.

That thirty days prior to the rendering of any water service contemplated herein, Applicant shall file with this Commission the rates, rules and regulations under which it proposes to render water service.

That prior to the placing in service of any water facilities contemplated herein, Applicant shall obtain from the Department of



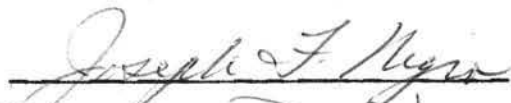
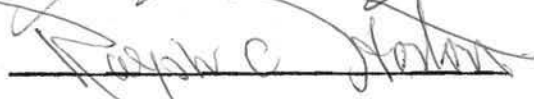

Health of the State of Colorado, written approval for such facilities and file a copy of said approval with this Commission.

That Applicant shall at all times abide by the rules and regulations of this Commission.

That in the event Applicant fails to obtain the Supplemental Order required herein within the time allotted, no certificate shall be granted and this Order shall be null and void.

This Order shall become effective twenty-one days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of January, 1960.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)

WALTER BACHMAN, 5483 SHERIDAN  
BOULEVARD, ARVADA, COLORADO.

PERMIT NO. M-998

January 27, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Walter Bachman,  
5483 Sheridan Boulevard, Arvada, Colorado  
requesting that Permit No. M-998 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-998, heretofore issued to Walter Bachman,  
5483 Sheridan Boulevard, Arvada, Colorado be,  
and the same is hereby, declared cancelled effective December 28, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Norton  
Wm. E. Zurling  
Commissioners

Dated at Denver, Colorado,

this 27th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
JAMES L. JOHNSON, DOING BUSINESS AS, )  
"JIM'S DISTRIBUTING COMPANY", 2850 )  
SOUTH DAHLIA STREET, DENVER 22, COLO- )  
RADO. )  
----- )

PERMIT NO. M-4352

-----  
January 27, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from James L. Johnson,  
doing business as, "Jim's Distributing Company", Denver 22, Colorado  
requesting that Permit No. M-4352 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4352, heretofore issued to James L. Johnson, doing  
business as, "Jim's Distributing Company", Denver 22, Colorado be,  
and the same is hereby, declared cancelled effective December 21, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph G. Hodson  
Henry E. Zuleygo  
Commissioners

Dated at Denver, Colorado,

this 27th day of January, 19560.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)

ED MORRISON, DOING BUSINESS AS,  
"ED MORRISON WATER SERVICE", 819  
SHERMAN STREET, FORT MORGAN, COLO-  
RADO.  
-----)

PERMIT NO. M-8147

-----  
January 27, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ed Morrison, doing  
business as, "Ed Morrison Water Service", Fort Morgan, Colorado  
requesting that Permit No. M-8147 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8147, heretofore issued to Ed Morrison, doing  
business as, "Ed Morrison Water Service", Fort Morgan, Colorado be,  
and the same is hereby, declared cancelled effective January 10, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Wm. E. Ziegler  
Commissioners

Dated at Denver, Colorado,

this 27th day of January, 1960.

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CLAIR SOUTHAN, ROUTE 2, VERNAL, )  
UTAH. )  
----- )

PERMIT NO. B-2405-I

-----  
January 27, 1960  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-2405-I be suspended for six months from January 18, 1960.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Clair Southam, Vernal, Utah

be, and is hereby, authorized to suspend his operations under Permit No. B-2405-I until July 18, 1960.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to re-instate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Commissioners

Dated at Denver, Colorado,  
this 27th day of January, 19 60.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)

DON SMITH, DOING BUSINESS AS, "DON'S  
TRUCKING", 802 BONITA, COLORADO  
SPRINGS, COLORADO.

PERMIT NO. M-15411

January 27, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Don Smith, doing  
business as, "Don's Trucking", Colorado Springs, Colorado  
requesting that Permit No. M-15411 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15411, heretofore issued to Don Smith, doing  
business as, "Don's Trucking", Colorado Springs, Colorado be,  
and the same is hereby, declared cancelled effective December 10, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Robert C. Horton  
Henry E. Zaulinger  
Commissioners

Dated at Denver, Colorado,

this 27th day of January, 1959 60.



SUSPENSION ORDER  
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

(Decision No. 53749 )

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
(DON SMITH, DOING BUSINESS AS) )  
"DON'S TRUCKING", 802 BONITA, )  
COLORADO SPRINGS, COLORADO. )  
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PERMIT NO. B-5635

-----  
January 27, 1960  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-5635 be suspended for six months from December 10, 1959.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Don Smith dba Don's Trucking, Colorado Springs, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-5635 until June 10, 1960.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to re-instate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Johnson  
Henry G. Zuckerman  
Commissioners

Dated at Denver, Colorado,  
this 27th day of January, 19 60.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
JOE P. HILL, 819 TROY, PUEBLO, COLO- )  
RADO. )

PERMIT NO. M-8357

January 27, 1960

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Joe P. Hill, Pueblo,  
Colorado

requesting that Permit No. M-8357 be cancelled.

## FINDINGS

**THE COMMISSION FINDS:**

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-8357, heretofore issued to Joe P. Hill, Pueblo,  
Colorado be,

and the same is hereby, declared cancelled effective January 13, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
 Ralph C. Horton  
 Henry E. Zank  
 Commissioners

Dated at Denver, Colorado,

this 27th day of January, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
TITAN CHEMICAL INDUSTRIES, INCORPOR- )  
ATED, 1645 COURT PLACE, ROOM 202, )  
DENVER 2, COLORADO. )  
----- )

PERMIT NO. M-13825

-----  
January 27, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Titan Chemical Industries, Inc., Denver 2, Colorado.  
requesting that Permit No. M-13825 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13825, heretofore issued to Titan Chemical Industries, Inc., Denver 2, Colorado. be,  
and the same is hereby, declared cancelled effective December 1, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Raymond C. Horton  
Henry E. Zalusky  
Commissioners

Dated at Denver, Colorado,  
this 27th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

RAYMOND E. KING, P. O. BOX 251,  
CENTER, COLORADO.

PERMIT NO. M-5695

January 27, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Raymond E. King,  
Center, Colorado  
requesting that Permit No. M-5695 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5695, heretofore issued to Raymond E. King,  
Center, Colorado be,  
and the same is hereby, declared cancelled effective January 1, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Norton  
Wm. E. Zaulinger  
Commissioners

Dated at Denver, Colorado,

this 27th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

CHARLES GIRK, 3915 SOUTH FEDERAL  
BOULEVARD, ENGLEWOOD, COLORADO.

PERMIT NO. M-13589

January 27, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Charles Girk,  
Englewood, Colorado  
requesting that Permit No. M-13589 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13589, heretofore issued to Charles Girk,  
Englewood, Colorado be,  
and the same is hereby, declared cancelled effective December 26, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Norton  
Henry E. Zaulinger  
Commissioners

Dated at Denver, Colorado,

this 27th day of January, 195/ 60.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

PAUL THOMPSON, 104 HOWARD, FORT  
COLLINS, COLORADO.

PERMIT NO. M-10274

January 27, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Paul Thompson,

Fort Collins, Colorado

requesting that Permit No. M-10274 be cancelled.

## FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-10274, heretofore issued to Paul Thompson,

Fort Collins, Colorado

be,

and the same is hereby, declared cancelled effective January 19, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Woodard  
Kung E. Zurlings  
Commissioners

Dated at Denver, Colorado,

this 27th day of January, 1956.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HAROLD E. RINDOM, DOING BUSINESS AS )  
"HAROLD'S EXPRESS," 2535 CALIFORNIA )  
STREET, DENVER, COLORADO, FOR AU- )  
THORITY TO TRANSFER PUC NO. 3540 )  
AND PUC NO. 3540-I TO PAUL BOYER, )  
DOING BUSINESS AS "HAROLD'S EXPRESS," )  
3930 BLAKE STREET, DENVER, COLORADO. )  
----- )

APPLICATION NO. 17563-Transfer

-----  
January 22, 1960  
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Appearances: Harold E. Rindom, Denver,  
Colorado, pro se;  
Paul Boyer, Denver, Colo-  
rado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, Harold E. Rindom, doing business as "Harold's Express," was granted a certificate of public convenience and necessity (PUC Nos. 3540, 3540-I), authorizing operation as a common carrier by motor vehicle for hire, for the transportation of:

general commodities, except those which, because of size or weight, require special equipment, between points within the City and County of Denver, State of Colorado;

freight, between points in the City and County of Denver and a five-mile radius thereof, in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

By the above-styled application, said certificate-holder seeks authority to transfer said PUC Nos. 3540 and 3540-I to Paul Boyer, doing business as "Harold's Express," Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 23, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of transferee were established to the satisfaction of the Commission.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That Harold E. Rindom, doing business as "Harold's Express," Denver, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 3540 and PUC No. 3540-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Paul Boyer, doing business as "Harold's Express," Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of the Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of the transfer of said certificate.

That transfer of interstate operating rights herein authorized is subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negin  
Joseph C. Nelson  
Henry E. Phelps  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of January, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
STANLEY MICHALS, DOING BUSINESS AS )  
"AURORA ASH & TRASH COMPANY," 2290 )  
CHAMBERS, AURORA, COLORADO, FOR AU- ) APPLICATION NO. 17562-Transfer  
THORITY TO TRANSFER PUC NO. 2271 TO )  
LAWRENCE J. EBERT, DOING BUSINESS )  
AS "AURORA ASH & TRASH COMPANY," )  
2348 OAKLAND, AURORA, COLORADO. )  
----- )

-----  
January 22, 1960  
-----

Appearances: Stanley Michals, Aurora,  
Colorado, pro se;  
Lawrence J. Ebert, Aurora,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, Stanley Michals, doing business as "Aurora Ash & Trash Company," Aurora, Colorado, was granted a certificate of public convenience and necessity (PUC No. 2271), authorizing him to operate as a common carrier by motor vehicle for hire, for the transportation, not on schedule, of:

trash, junk, garbage and rubbish, between points within a radius of five miles of Aurora, Colorado, and any dump which is now, or which may hereafter be, located within the area above-described, exclusive of any territory lying north of the Union Pacific tracks, or any territory within the City Limits of the City and County of Denver;

ashes, trash, and other refuse, between points in the City and County of Denver, and from points within the City and County of Denver, to regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe, and Jefferson, State of Colorado.

By the above-styled application, said certificate-holder seeks authority to transfer said PUC No. 2271 to Lawrence J. Ebert, doing business as "Aurora Ash & Trash Company," Aurora, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing

Room of the Commission, 330 State Office Building, Denver, Colorado, December 23, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicants herein appeared and testified in support of their application.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of transferee were established to the satisfaction of the Commission.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That Stanley Michals, doing business as "Aurora Ash & Trash Company," Aurora, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 2271 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Lawrence J. Ebert, doing business as "Aurora Ash & Trash Company," Aurora, Colorado, subject to payment of outstanding indebtedness against said certificate, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order

on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Nelson  
Henry Gladings  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of January, 1960.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
V & V CONSTRUCTION COMPANY, A COR- )  
PORATION, 211 WEST MAIN STREET, )  
FLORENCE, COLORADO, FOR A CLASS "B" ) APPLICATION NO. 17544-PP  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
----- )

-----  
January 22, 1960  
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Appearances: Virgil L. Beavers, Florence,  
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials to be restricted against use of tank vehicles.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Pueblo, Colorado, December 18, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, evidence was adduced by applicant in support of said application.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

It does not appear that applicant's proposed operations will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That permit should issue to applicant herein, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That V & V Construction Company, Florence, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials to be restricted against use of tank vehicles.

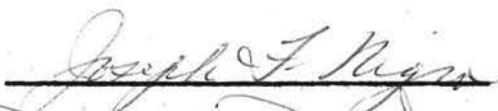
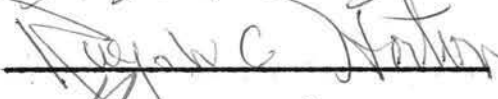

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of January, 1960.

ea

\* \* \*

APPLICATION NO. 16017  
SUPPLEMENTAL ORDER

January 22, 1960

Appearances: Lee, Bryans, Kelly and Stansfield, Esqs., Denver, Colorado, by  
E. A. Stansfield, Esq., for Applicant;  
E. R. Thompson, Denver, Colorado, and  
J. M. McNulty, Denver, Colorado, for the Staff of the Commission.

S T A T E M E N T

Under the above-numbered application, by Decision No. 49596 of February 3, 1958, this Commission authorized Plateau Natural Gas Company to place into effect in its gas tariffs, certain temporary riders increasing the cost of gas to its customers. These riders apply only on gas for resale purchased by Plateau from one of its wholesale suppliers, Colorado Interstate Gas Company. The Commission, by this same order, retained jurisdiction of this matter so that at the time FPC Docket No. G-13541 was finally settled it could determine what rates should be charged by Plateau to its customers.

This matter was set for hearing by the Commission, after due notice to all interested parties, on Tuesday, December 29, 1959, but at the request of Applicant, the hearing on this date was vacated and the matter re-set for Wednesday, January 13, 1960. On this latter date the matter was heard by the Commission at its Hearing

Room, 330 State Office Building, Denver, Colorado, and at the conclusion thereof, the matter was taken under advisement by the Commission.

Applicant is a Colorado corporation subject to the jurisdiction of this Commission as a public utility, rendering gas service to certain towns and communities in the State of Colorado. It is the successor in interest of the Pikes Peak Natural Gas Company, the Midwest Gas Company, Inc., and Kansas-Colorado Utilities, Inc. Applicant's main office is located in the City of Colorado Springs, and it maintains local offices in several of the towns in which it operates. Applicant classifies its operations in Colorado into two divisions, one the Northern Division, comprising the areas formerly served by Pikes Peak and Midwest, the other, its Southern Division, being the area formerly served by Kansas-Colorado Utilities, Inc. A certified copy of Applicant's Certificate of Incorporation, together with all amendments thereto, has heretofore been filed with this Commission.

Applicant purchases its gas for resale in its Northern Division from the Colorado Interstate Gas Company, an interstate pipeline company, subject to the jurisdiction of the Federal Power Commission. Colorado Interstate Gas, under the provisions of the Natural Gas Act, applied to the Federal Power Commission by four separate applications, for increases in the rates which it charges for the gas sold to its customers. Three of these rate cases involving Interstate and its suppliers have been settled by agreement, and the Federal Power Commission has issued its order approving refunds. Certain of these refunds have been made by Plateau, and some are pending.

The fourth rate case of Interstate, FPC Docket No. 13541, was settled as a result of a conference held in Washington, D. C., in October, 1959, by and between all interested parties, one of which was this Commission. By order issued December 31, 1959, the Federal Power Commission approved the settlement agreement in

Docket No. G-13541, and Colorado Interstate Gas Company has made certain refunds to its customers and under the terms of this settlement agreement will make certain additional refunds after an independent audit and check of said audit by the Federal Power Commission's staff, if it is found that Interstate has earned more than 6% on its rate base for the Year 1959. It will take some additional time after Interstate closes its books to determine if any additional refunds are to be made.

Also, as a result of this settlement agreement, reduced rates that Interstate will charge its customers for the future, were agreed upon. Applicant in this proceeding is proposing to change its base rate in its Northern Division to reflect these reduced wholesale rates for the future.

At the time that Plateau acquired the properties of its predecessor companies in the Northern Division, certain temporary riders were already in effect in the tariffs because of certain gas rate increases of Interstate. Plateau has added one additional rider since its acquisition of the properties. Three of these temporary riders applied in the Counties of Douglas, El Paso, and Fremont, while two riders applied in Lincoln and Kiowa Counties. Originally, the basic rates by classes of customers of both Applicant's predecessor companies in these areas were at the same rate level, and Applicant now proposes to again place into effect throughout its Northern Division, embracing all of the above-named counties, a uniform rate by classes of customers, reflecting the reduction in cost of gas received from its wholesale supplier, Interstate Gas, as a result of the settlement agreement. The decrease to be passed on to the domestic and commercial customers in the Northern Division by the proposed uniform class rates, will amount to \$42,052 annually. It proposes to file this new reduced uniform rate for the Northern Division so that all meters read on and after February 1, 1960 will be billed on the new rate.



Witness for Applicant testified at the hearing that the company has already received as a refund from Interstate an amount of \$72,153.24, which includes principal and interest for the period covered by the settlement agreement. Applicant also proposes to add to this amount approximately \$300.00 which it has received from Interstate as a rebate due to the change in well-head prices of gas in the Kansas-Hugoton Field, resulting from a Supreme Court decision regarding this matter. Because of the possibility of additional refunds from Interstate after the audit and check by the Federal Power Commission's staff, Plateau proposes to invest the monies it has received from Interstate in short-term government notes until such time as it has received all of the money subject to refund. It will also credit to the refund money any interest received as a result of the short-term investments. The company also proposes to prepare a refund plan for submission to this Commission for its approval prior to the start of any actual refunds in this proceeding.

Applicant also sells gas under contract rates, now on file with this Commission, to the Persolite Products Company and the State Penitentiary. These contracts by their terms provided for an automatic adjustment of gas rates based on the wholesale cost of gas to Applicant, and these two customers will receive reductions because of the settlement in FPC Docket No. G-13541. These customers will also receive a refund in accordance with the terms of said contracts.

After reviewing the evidence submitted in this matter, we believe Applicant should file new gas rates reflecting the decrease in cost to it of its wholesale gas, and that said rates when filed should be uniform by classes for its Northern Division customers.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above Statement be made a part hereof by reference.

That the Commission has jurisdiction of Applicant and of the subject matter of the instant application.

That the Commission is fully advised in the premises.

That Applicant should be permitted to file new basic rates for its Northern Division customers reflecting the decrease in cost of wholesale gas from its wholesale supplier as a result of the final settlement in FPC Docket No. G-13541.

That the reduced rates when filed should be uniform for each class of customer in the Northern Division of Applicant.

That Applicant should submit to this Commission for its approval, the refund plan showing the manner and method under which it proposes to make the refund of all monies received from Colorado Interstate Gas Company as a result of the settlement in FPC Docket No. G-13541.

That, pending the approval of said refund plan and the actual refund, Applicant should invest the refund monies which it has already received from Colorado Interstate in short-term legal investments and credit the amount to be refunded with the interest on said short-term investments.

#### O R D E R

##### THE COMMISSION ORDERS:

That Plateau Natural Gas Company be, and it is hereby, permitted to file new uniform gas rates by classes for its Northern Division customers, reflecting the decrease in cost of wholesale gas from its supplier, Colorado Interstate Gas Company, as a result of the settlement in FPC Docket No. G-13541.

That the rates be permitted to be filed on not less than one day's notice to the Commission and the public, to become effective on February 1, 1960, for all gas billed with meter readings on and after said date.

That Applicant shall submit to this Commission for its approval a refund plan showing the manner and method under which it proposes to make the refund of all monies received from Colorado Interstate Gas Company as a result of the settlement in FPC Docket No. G-13541.

That, pending the approval of said plan and the actual refund, Applicant shall invest the refund monies which it has already received from Colorado Interstate in short-term legal investments and credit the amount to be refunded with the interest on said short-term legal investments.

That the Commission retain jurisdiction of this matter to make such further order, or orders, as may be necessary.

That this Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Norton  
Philip E. Harkness  
Commissioners

Dated at Denver, Colorado,  
this 22nd day of January, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
WALTER GOETSCH, 1458 - 10TH )  
STREET, GREELEY, COLORADO. )  
-----

PERMIT NO. B-4642

-----  
January 27, 1960  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-4642 be further suspended for six months from January 20, 1960.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Walter Goetsch, Greeley, Colorado, be, and he is hereby authorized to further suspend his operations under Permit No. B-4642 until July 20, 1960.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Wm. E. Zink*  
Commissioners

Dated at Denver, Colorado,  
this 27th day of January, 1960.

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CHARLES A. SLUSHER, 6240 )  
SHERIDAN BOULEVARD, ARVADA, )  
COLORADO. )  
-----

PERMIT NO. B-4604

-----  
January 27, 1960  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named  
permittee requesting that his Permit No. B-4604 be suspended for  
six months from January 9, 1960.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Charles A. Slusher, Arvada, Colorado

be, and is hereby, authorized to suspend his operations under Permit  
No. B-4604 until July 9, 1960.

That unless said permit-holder shall, prior to the expiration of  
said suspension period, make a request in writing for the reinstatement of  
said permit, file insurance and otherwise comply with all rules and regulations  
of the Commission applicable to private carrier permits, said permit, without  
further action by the Commission, shall be revoked without the right to re-  
instate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Boston  
Wm. E. Zurling  
Commissioners

Dated at Denver, Colorado,  
this 27th day of January, 19 60

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CHARLES A. SLUSHER, 6240 SHERIDAN )  
BOULEVARD, ARVADA, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-22

\_\_\_\_\_  
January 27, 1960  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Charles A. Slusher,  
Arvada, Colorado  
requesting that Permit No. M-22 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-22, heretofore issued to Charles A. Slusher,  
Arvada, Colorado be,  
and the same is hereby, declared cancelled effective January 9, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Wm. E. Zullinger  
Commissioners

Dated at Denver, Colorado,

this 27th day of January, 1960.



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) E. D. FINCHER, 4197 NORTH VENTURA ) AVENUE, VENTURA, CALIFORNIA, FOR ) AUTHORITY TO TRANSFER PERMITS NOS. ) B-4005 AND B-4005-I TO GEORGE ) BITTLE, BOX 94, MOAB, UTAH. )	<u>APPLICATION NO. 17569-PP-Transfer</u>
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January 25, 1960  
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Appearances: Leslie R. Kehl, Esq., Denver,  
Colorado, for Applicants;  
E. B. Evans, Esq., Denver,  
Colorado, for copy of Order.

S T A T E M E N T

By the Commission:

Heretofore, E. D. Fincher was granted authority to operate as a Class "B" private carrier by motor vehicle for hire (Permit Nos. B-4005 and B-4005-I), in interstate and intrastate commerce, interstate operating rights being subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, for the transportation of:

uranium and vanadium ores, and concentrates thereof, from mines, pot holes, claims, and stock piles in that part of the State of Colorado lying west of the Continental Divide, and from points where all highways intersect the Colorado-New Mexico and Colorado-Utah State Lines, to ore reduction plants, mills, and smelters in the States of Colorado, Utah, and New Mexico; sand, gravel, and other road-surfacing materials, from pits and supply points in the State of Colorado, to road and building construction jobs therein, excluding service in Boulder, Clear Creek, and Gilpin Counties.

Said permit-holder now seeks authority to transfer said operating rights to George Bittle, Moab, Utah.

Said application was regularly set for hearing before the Commission, at the Court House, Grand Junction, Colorado, January 5,

1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 4, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, E. D. Fincher, transferor herein, appeared and testified in support of the application, stating he has been operating under Permits Nos. B-4005 and B-4005-I since granted by this Commission; that the consideration for transfer of said operating rights is the sum of \$8,750; that there are no outstanding unpaid operating obligations against said permits.

Report of said Examiner also states that George Bittle, transferee herein, appeared at the hearing and testified in support of the instant application, stating he has had experience in the trucking business; that the consideration for transfer of said operating rights is the sum of \$8,750; that he has a net worth of approximately \$100,000, financial statement being on file with the Commission; that he has sufficient equipment with which to carry on operations under Permits Nos. B-4005 and B-4005-I; that he has been operating under Temporary Authority issued by this Commission.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of transferee were established to the satisfaction of the Commission.

Report of the Examiner recommends that authority herein sought be granted.

## F I N D I N G S

### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That the proposed transfer is compatible with the public interest, and should be authorized.

## O R D E R

### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above Findings be, and the same hereby is, approved.

That E. D. Fincher, Ventura, California, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permits Nos. B-4005 and B-4005-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference-- to George Bittle, Moab, Utah, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permits have been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The right of transferee to operate under this Order shall depend upon his compliance with all present and future laws and rules

and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said permits up to the time of transfer of said permits.

This Order is made a part of the permit authorized to be transferred.

That transfer of interstate operating rights herein authorized is subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Stotter  
Henry E. Paulsen  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of January, 1960.

mls

original

(Decision No. 53763)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
E. W. DRISCOLL, DOING BUSINESS AS )  
"ACKLEY TRUCK LINE," 1402 MILL )  
STREET, BRUSH, COLORADO, FOR AUTH- )  
ORITY TO TRANSFER INTERSTATE OPERA- )  
TING RIGHTS TO DRISCOLL TRUCK LINE, )  
INC., 1402 MILL STREET, BRUSH, COLO- )  
RADO. )  
----- )

PUC NO. 1112-I-Transfer

-----  
January 25, 1960  
-----

S T A T E M E N T

By the Commission:

Heretofore, E. W. Driscoll, doing business as "Ackley Truck Line," Brush, Colorado, was granted a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, in interstate commerce only (PUC No. 1112-I), for the transportation of:

freight, between all points in the State of Colorado and the Colorado State Boundary lines where all highways cross same, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

Said certificate-holder now seeks authority to transfer said PUC No. 1112-I to Driscoll Truck Line, Inc., Brush, Colorado.

The records and files of the Commission fail to disclose any reason why said request should not be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That E. W. Driscoll, doing business as "Ackley Truck Line," Brush, Colorado, be, and he hereby is, authorized to transfer all his

right, title, and interest in and to PUC No. 1112-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Driscoll Truck Line, Inc., Brush, Colorado, subject to payment of outstanding indebtedness against said certificate, if any there be, whether secured or unsecured, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Neir  
Ralph C. Nelson  
Henry J. Mulvey  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of January, 1960.

ea



original

(Decision No. 53764)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF )  
TONY GAVITO, SR., 5755 NORTH ) PERMIT NO. B-4327  
WASHINGTON, DENVER, COLORADO. )  
----- )

-----  
January 25, 1960  
-----

S T A T E M E N T

By the Commission:

Heretofore, Tony Gavito, Sr., Denver, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire (Permit No. B-4327).

The Commission is in receipt of a communication from said Tony Gavito, requesting that said permit be issued in the name of "Tony Gavito," said Tony Gavito, Sr. and Tony Gavito being one and the same person.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the Secretary of the Commission is hereby requested to change the records of the Commission to show that Permit No. B-4327 is owned and operated by:

"Tony Gavito,"

rather than by:

"Tony Gavito, Sr."

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Joseph C. Horton*  
*Henry E. Zar*  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of January, 1960.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
NELLIE E. SIMONTON, ADMINIS- )  
TRATRIX OF THE ESTATE OF GRANT )  
SIMONTON, DECEASED, HAYDEN, )  
COLORADO. )  
----- )

PERMIT NO. B-1302

-----  
January 25, 1960  
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Appearances: Ben T. Delahay, Esq.,  
Steamboat Springs,  
Colorado, for Nellie E.  
Simonton.

S T A T E M E N T

By the Commission:

Heretofore, Grant Simonton, Hayden, Colorado, was authorized by this Commission to operate as a Class "B" private carrier by motor vehicle for hire (Permit No. B-1302).

On May 20, 1959, said Grant Simonton departed this life, and subsequently Nellie E. Simonton was appointed Administratrix of the Estate of Grant Simonton, Deceased.

The Commission is now in receipt of a communication from Ben T. Delahay, Attorney for Nellie E. Simonton, enclosing copy of Letters of Administration issued by the County Court of Routt County, Colorado, appointing said Nellie E. Simonton as Administratrix of the State of Grant Simonton, Deceased, and requesting authority for said Nellie E. Simonton to carry on operations under said Permit No. B-1302.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the Secretary of the Commission is hereby instructed

to change the records of the Commission to show:

"Nellie E. Simonton,  
Hayden, Colorado,"

to be the owner and operator of Permit No. B-1302, in lieu of:

"Grant Simonton,  
Hayden, Colorado."

This Order shall become effective as of the day and  
date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph J. Nigro  
Ralph G. Gordon  
Arthur J. Anderson  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of January, 1960.

ea

original

(Decision No. 53766)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C. V. DAWSON AND EARL L. GATES, CO- )  
PARTNERS, DOING BUSINESS AS "D G )  
TRUCK LINE," WINONA, KANSAS, FOR )  
AUTHORITY TO TRANSFER INTERSTATE )  
OPERATING RIGHTS TO EARL L. GATES, )  
DOING BUSINESS AS "GATES TRUCK )  
LINE," WINONA, KANSAS. )  
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PUC NO. 2229-I-Transfer

-----  
January 25, 1960  
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S T A T E M E N T

By the Commission:

Heretofore, C. V. Dawson and Earl L. Gates, co-partners, doing business as "D G Truck Line," Winona, Kansas, were authorized to operate as common carriers by motor vehicle for hire, in interstate commerce, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, and PUC No. 2229-I issued to them.

Said certificate-holders now seek authority to transfer said operating rights to Earl L. Gates, said C. V. Dawson being desirous of withdrawing from said partnership.

The records and files of the Commission fail to disclose any reason why said transfer should not be authorized.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That C. V. Dawson and Earl L. Gates, co-partners, doing business as "D G Truck Line," Winona, Kansas, be, and they hereby are, auth-

orized to transfer all their right, title, and interest in and to PUC No. 2229-I to Earl L. Gates, doing business as "Gates Truck Line," Winona, Kansas, said C. V. Dawson being hereby authorized to withdraw from said partnership.

That transfer herein authorized is subject to payment of outstanding indebtedness against said PUC No. 2229-I, if any there be, whether secured or unsecured, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Hutton  
Arthur J. Spalding  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of January, 1960.

mls

original

(Decision No. 53767)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) COLORADO MILK TRANSPORT, INC., ROUTE ) 1, BOX 141, BROOMFIELD, COLORADO, ) FOR AUTHORITY TO EXTEND OPERATIONS ) UNDER PERMIT NO. B-1284. )	<u>APPLICATION NO. 17575-PP-Extension</u>
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January 25, 1960  
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Appearances: Paul M. Hupp, Esq., Denver,  
Colorado, for Applicant;  
Marion R. Smyser, Esq., Den-  
ver, Colorado, for Rio  
Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

Heretofore, Colorado Milk Transport, Inc., Broomfield, Colo-  
rado, was authorized to operate as a Class "B" private carrier by motor  
vehicle for hire (Permit No. B-1284), authorizing transportation of:

farm products from the area described as  
follows:

beginning at the intersection of College and  
Mountain Avenues, Fort Collins, Colorado;  
thence one mile west; thence north 20 miles;  
thence east 8 miles; thence south 20 miles;  
thence west 7 miles to the point of beginning,  
to Fort Collins, Colorado; water from point  
to point within the above described area;  
coal from the northern Colorado coal fields  
to customers living within the above described  
area; salt between condenseries and plants in  
Fort Collins and Larkspur, Colorado, for the  
Frink Creamery Company; milk and dairy pro-  
ducts between all points and places within 100  
miles of Fort Collins, Colorado; provided, how-  
ever, that all shipments of milk and dairy pro-  
ducts authorized hereby must either originate  
or terminate at the Frink Creamery Company at  
Fort Collins, Colorado; and provided also that  
no transportation of milk and dairy products  
to Fort Collins is authorized hereby from  
points in the following described area:



beginning at the northwest corner of Section 2, T. 10-N., R. 70-W.; thence eastward to the northeast corner of Section 4, T. 10-N., R. 67-W.; thence south to the southeast corner of Section 28, T. 9-N., R. 67-W.; thence west to the southeast corner of Section 25, T. 9-N., R. 68-W.; thence south to the southeast corner of Section 12, T. 7-N., R. 68-W.; thence west to the northwest corner of Section 13, T. 7-N., R. 69-W.; thence south to the southwest corner of Section 36, T. 7-N., R. 69-W.; thence east to the southwest corner of Section 31, T. 7-N., R. 69-W.; thence south to the southwest corner of Section 7, T. 6-N., R. 68-W.; thence east to the northeast corner of Section 17, T. 6-N., R. 68-W.; thence south to the southeast corner of Section 8, T. 5-N., R. 68-W.; thence west to the southwest corner of Section 11, T. 5-N., R. 70 W.; thence north to the point of beginning; Provided, further, that all shipments of milk and dairy products authorized hereby shall be for the Frink Creamery Company, only.

By the above-styled application, said permit-holder seeks authority to extend operations under said Permit No. B-1284, to include the right to transport milk, cream, and dairy products, between Montrose, Colorado, and a ten-mile radius thereof, and Colorado Springs, Colorado, and a ten-mile radius thereof.

Said application was regularly set for hearing before the Commission, at the Court House, Montrose, Colorado, January 6, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 4, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, Kenneth M. Martin, President and Manager of applicant corporation, appeared and testified in support of the in-

stant application, stating that his corporations' principal business is that of hauling milk; that he has had vast experience in this particular type of transportation; that he is financially able (Exhibit No. 1), and owns and operates all necessary and special equipment needed to render the proposed extended service; that applicant has been operating under Temporary Authority issued by this Commission; that he knows of no other carrier who has experience and equipment to render the service herein proposed; that if authority herein sought is granted, such operations would not impair the operations of any other carrier in the field, inasmuch as any business resulting therefrom would be entirely new; that the instant application had been filed upon request of Western Colorado Milk Producers Association.

Bob Stallwood, Manager of Western Colorado Milk Producers Association, appeared and testified in support of the application, stating his association is the marketing agent for certain dairy farmers in the area herein involved; that his association needs, and would use, the proposed extended services of applicant herein.

The instant application was amended at the hearing, upon agreement of all interested parties, to seek:

transportation of milk and cream, in bulk, in tank vehicles, between Montrose, Colorado, and a ten-mile radius thereof, and Colorado Springs, Colorado, and a ten-mile radius thereof.

Protestant, in view of said amendment, did not produce any evidence in opposition to the granting of the amended extended authority herein sought.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

It does not appear that applicant's proposed extended operations under Permit No. B-1284 will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that applicant herein be authorized to extend operations under Permit No. B-1284, as hereinafter set forth.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That applicant herein should be authorized to extend operations under Permit No. B-1284, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above Findings be, and the same hereby is, approved.

That Colorado Milk Transport, Inc., Broomfield, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-1284, to include the right to transport milk and cream, in bulk, in tank vehicles, between Montrose, Colorado, and a ten-mile radius thereof, and Colorado Springs, Colorado, and a ten-mile radius thereof.

This Order is made a part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Holton  
Harry J. Adams  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of January, 1960.

mls

original

(Decision No. 53768)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DONALD E. RIGGLE, 261 29 ROAD, )  
GRAND JUNCTION, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 17572-PP

-----  
January 25, 1960  
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Appearances: Tull, Hays and Thompson, Esqs.,  
Denver, Colorado, by  
John P. Thompson, Esq., for  
Applicant;  
Leslie R. Kehl, Esq., Denver,  
Colorado, for Denver Chicago  
Transport Co., Inc.;  
Marion R. Smyser, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of petroleum products, from point to point within a radius of fifty miles of Grand Junction, Colorado, for Texaco, Inc., only.

Said application was regularly set for hearing before the Commission, at the Court House, Grand Junction, Colorado, January 5, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 4, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conduct-

ing the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, Donald E. Riggle, applicant herein, appeared and testified in support of his application, stating he has been in the trucking business for six years; that he filed the instant application upon the request of Texaco, Inc., because they need the specialized service which he proposes to render; that he has been operating under a Temporary Authority; that he has sufficient equipment with which to conduct his proposed operations; that he has a net worth of \$9,000.

Said application was strongly supported by R. W. Engle, Supervisor for Texaco, Inc., of Grand Junction, Colorado, who testified that his company needs applicant's proposed service; that said service will be specialized in nature, because applicant must not only haul the products, but must also sell the same to the many and varied accounts of his company; that there is no other carrier available in the area that can satisfy the shipping needs of his company; that if authority herein sought is granted, his company will use applicant's proposed service.

Applicant, after presenting his case, then offered the following restrictive amendment to his application:

" . . . provided that no vehicles shall be used except tank wagons having a capacity not exceeding 1,500 gallons, and other vehicles not exceeding 3/4-ton rated capacity, and provided that no pipeline terminals or refineries shall be served as points of origin."

All parties appearing at the hearing agreed to said amendment; therefore, said amendment was permitted.

Protestants, in view of amendment of application, did not produce any evidence in opposition to the granting of amended authority herein sought.

The operating experience and financial responsibility of

applicant were established to the satisfaction of the Commission.

It does not appear that applicant's proposed operations, as hereinafter set forth, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant herein.

Report of the Examiner recommends that authority herein sought, as amended, should be granted.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings be, and the same hereby is, approved.

That Donald E. Riggle, Grand Junction, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of petroleum products, from point to point within a radius of fifty miles of Grand Junction, Colorado, for Texaco, Inc., only; provided, however, that no vehicles shall be used except tank wagons having a capacity not to exceed 1,500 gallons, and other vehicles not exceeding three-fourths-ton rated capacity, and provided that no pipeline terminals or refineries shall be served as points of origin.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.



That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Reginald C. Horton  
Spencer J. Mulvey  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of January, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DENVER M. ROBERTS, P. O. BOX 93, )  
GRAND JUNCTION, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A ) APPLICATION NO. 17573-PP  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

-----  
January 25, 1960  
-----

Appearances: Tull, Hays and Thompson, Esqs.,  
Denver, Colorado, by  
John P. Thompson, Esq.,  
for Applicant.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 150 miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of 150 miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of 150 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 150 miles of said pits and supply points; all of the foregoing authority to be restricted to the use of dump vehicles, only; and water, for use at oil and gas well sites, only, between points west of the Continental Divide.

Said application was regularly set for hearing before the Commission, at the Court House, Grand Junction, Colorado, January 5, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 4, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, applicant herein appeared in support of his application, testifying that he is the owner and operator of Permit No. B-5430; that he has sufficient net worth and equipment with which to conduct his operations herein proposed; that he has received numerous requests for his proposed operations.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

It does not appear that applicant's proposed operations will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that authority herein sought be granted.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings be, and the same hereby is, approved.

That Denver M. Roberts, Grand Junction, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 150 miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of 150 miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of 150 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 150 miles of said pits and supply points; all the foregoing authority to be restricted to use of dump vehicles, only; water, for use at oil and gas well sites, only, between points west of the Continental Divide.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days  
from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of January, 1960.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FINKBEINER BROS. TRUCKING CO., INC., )  
3667 BLAKE STREET, DENVER, COLORADO, ) APPLICATION NO. 17576-PP-Extension  
FOR AUTHORITY TO EXTEND OPERATIONS )  
UNDER PERMIT NO. B-2054. )  
----- )

-----  
January 25, 1960  
-----

Appearances: Fred O. Finkbeiner, Denver,  
Colorado, for Applicant;  
Marion R. Smyser, Esq.,  
Denver, Colorado, for  
Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

Heretofore, Finkbeiner Bros. Trucking Company, Inc.  
was authorized to operate as a Class "B" private carrier by motor  
vehicle for hire (Permit No. B-2054), authorizing transportation of:

Transportation of coal from the Northern Colorado  
coal fields to Denver;

Transportation of sand, gravel, and other road-  
surfacing materials from pits and supply points  
in the State of Colorado, to points within a  
radius of 50 miles of said pits and supply points,  
excluding service in Boulder, Clear Creek and  
Gilpin Counties;

Transportation of sand, gravel, and other road-  
surfacing materials, and coal, from point to point  
within the City and County of Denver, Colorado;

Transportation of sand, gravel, and other road-  
surfacing materials used in the construction of  
roads and highways, from pits and supply points  
in the State of Colorado, to road jobs, mixer and  
processing plants within a radius of fifty miles  
of said pits and supply points; sand and gravel,  
from pits and supply points in the State of Colo-  
rado, to railroad loading points, and to homes and  
small construction jobs within a radius of fifty  
miles of said pits and supply points; sand, gravel,  
dirt, stone, and refuse, from and to building con-  
struction jobs, to and from points within a radius  
of fifty miles of said jobs; insulrock, from pits  
and supply points in the State of Colorado, to  
roofing jobs within a radius of fifty miles of said  
pits and supply points; coal from mines in Fremont



Huerfano, and Las Animas Counties, to Denver, Colorado; coal, from mines in Axel Basin, to railroad loading points at Craig, Colorado, and to coal dealers and suppliers in Grand Junction, Colorado, and all intermediate points, limited to the use of dump trucks, only;

Transportation of coal, only, from the northern Colorado coal fields, to that part of the State of Colorado lying north of a line drawn east and west parallel to U. S. Highway No. 40, at Denver, Colorado, and east of a line drawn north and south parallel to the Continental Divide, at Leadville, Colorado;

Transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 100 miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of 100 miles of said pits and supply points; sand, gravel, dirt, stone, and refuse from and to building construction jobs, to and from points within a radius of 100 miles of said jobs; insulrock, from pits and supply in the State of Colorado, to roofing jobs within a radius of 100 miles of said pits and supply points, the transportation of road-surfacing materials being limited to the use of dump trucks, only.

By the above-styled application, said permit-holder seeks authority to extend operations under said Permit No. B-2054, to include the right to transport coal, from mines to markets within the following counties in the State of Colorado: Montrose, San Miguel, Dolores, and Montezuma.

Said application was regularly set for hearing before the Commission, at the Court House, Montrose, Colorado, January 6, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 4, 1960, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the commencement of the hearing, Applicant's representative moved to amend the instant application so as to seek authority to transport:

"coal, from existing mines at Norwood, Nucla, Naturita, and Uravan, Colorado, to markets within the following counties: Montrose, San Miguel, Dolores, and Montezuma, State of Colorado."

There being no objection thereto, said amendment was allowed.

At the hearing, Fred O. Finkbeiner appeared and testified in support of the instant application, stating he is President of Applicant; that applicant has a net worth of approximately \$400,000; that applicant has sufficient equipment with which to conduct the proposed extended operations; that applicant has received many requests for the services herein proposed.

Protestants, in view of the amendment herein, did not produce any evidence in opposition to the granting of authority herein sought, as amended.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

It does not appear that applicant's proposed operations, as hereinafter limited, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that applicant herein be authorized to extend operations under Permit No. B-2054, as set forth in the Order following.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That applicant herein should be authorized to extend operations under Permit No. B-2054, as set forth in the Order following.

O R D E R

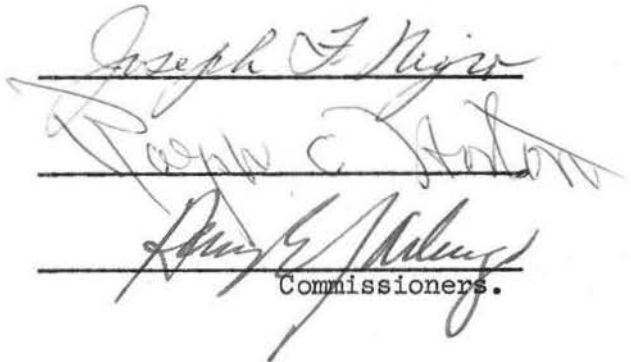
THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above Findings be, and the same hereby is, approved.

That Finkbeiner Bros. Trucking Co., Inc., Denver, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-2054, to include the right to transport coal, from existing mines at Norwood, Nucla, Naturita, and Uravan, Colorado, to markets within the Counties of Montrose, San Miguel, Dolores, and Montezuma, State of Colorado.

That this Order is made part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of January, 1960.

ea

original

(Decision No. 53771)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PUBLIC SERVICE COMPANY OF COLORADO, )  
GAS AND ELECTRIC BUILDING, DENVER, )  
COLORADO, FOR AN ORDER AUTHORIZING )  
IT TO PUT INTO EFFECT A REDUCED )  
GAS RATE. )  
----- )

APPLICATION NO. 16031  
SUPPLEMENTAL ORDER

-----  
January 25, 1960  
-----

Appearances: Lee, Bryans, Kelly and Stans-  
field, Esqs., Denver, Colorado,  
by  
E. A. Stansfield, Esq.,  
and  
Bryant O'Donnell, Esq., for  
Applicant;  
Brian H. Goral, Esq., Assistant  
City Attorney, City and County  
of Denver, Denver, Colorado,  
for the City of Denver;  
Everett R. Thompson, Denver,  
Colorado, and  
Paul M. Brown, Denver, Colo-  
rado, for the Staff of  
the Commission.

S T A T E M E N T

By the Commission:

On the 20th day of January, 1960, this Commission issued  
its Decision No. 53733 in the above-entitled matter, providing,  
inter alia, in its Findings and Order:

"That there shall be added to the refund sums  
heretofore mentioned, any applicable sales  
and franchise taxes recoverable by Applicant."

F I N D I N G S

THE COMMISSION FINDS:

That such Order was included in said Decision by inadvertence,  
and that the issues involved in the sales and franchise taxes were not  
involved in the petition before the Commission, and are premature,  
and should be deleted.

O R D E R

THE COMMISSION ORDERS:

That said statement be, and the same is hereby, deleted from said Decision No. 53733, of date January 20, 1960, and said Order be, and the same hereby is, modified and amended, by deleting the following from the Findings contained in said Decision No. 53733:

"That there should be added to the refund sums heretofore mentioned, any applicable sales and franchise taxes recoverable by Applicant.",

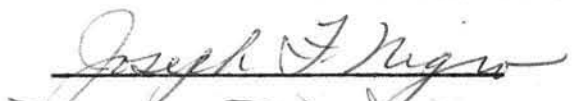


and by deleting the following from the Order contained in said Decision No. 53733:

"That there shall be added to the refund sums heretofore mentioned, any applicable sales and franchise taxes recoverable by Applicant."

That, except as herein amended, said Decision No. 53733 shall remain in full force and effect.

This Order shall become effective nunc pro tunc, as of the 20th day of January, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of January, 1960.

ea

original

(Decision No. 53772)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
COLORADO MILK TRANSPORT, INC., )  
ROUTE 1, BOX 141, BROOMFIELD, COLO- )  
RADO, FOR CONVERSION OF PERMIT NO. )  
B-3622 TO A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY. )  
-----

APPLICATION NO. 17485

IN THE MATTER OF THE APPLICATION OF )  
COLORADO MILK TRANSPORT, INC., )  
ROUTE 1, BOX 141, BROOMFIELD, COLO- )  
RADO, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY, AUTHORIZ- )  
ING EXTENDED MOTOR VEHICLE COMMON )  
CARRIER SERVICE. )  
-----

APPLICATION NO. 17486-Extension

SUPPLEMENTAL ORDER

-----  
January 25, 1960  
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Appearances: Paul M. Hupp, Esq., Denver,  
Colorado, for Applicant;  
Max Snyder, Esq., Fort Mor-  
gan, Colorado, for Brush  
Milk Lines Co.

S T A T E M E N T

By the Commission:

On December 10, 1959, the Commission entered its Decision No. 53500 in the above-styled application.

On December 29, 1959, "Petition for Rehearing" was filed with the Commission by Colorado Milk Transport, Inc., by Paul M. Hupp, Attorney, Denver, Colorado.

Inasmuch as formal Order was not entered by the Commission within twenty days from date of Order complained of,

F I N D I N G S

THE COMMISSION FINDS:

That said Petition for Rehearing is denied, by operation of



law.

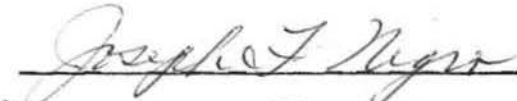
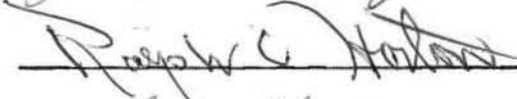

O R D E R

THE COMMISSION ORDERS:

That "Petition for Rehearing," filed with the Commission on December 29, 1959, in the above-styled application, by Colorado Milk Transport, Inc., by Paul M. Hupp, Attorney, Denver, Colorado, is denied, by operation of law.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of January, 1960.

mls

equal

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE INVESTIGATION AND SUSPENSION OF )	
COLORADO P. U. C. TARIFFS NOS. 1 )	<u>INVESTIGATION AND SUSPENSION</u>
TO 11, INCLUSIVE, OF THE COLORADO )	<u>DOCKET NO. 422</u>
INTERSTATE GAS COMPANY. )	
----- )	

-----  
January 22, 1960  
-----

S T A T E M E N T

By the Commission:

The above cause was duly set for hearing on the 20th day of January, 1960, and thereafter was continued for hearing on January 27, 28, and 29, 1960.

On the 19th day of January, 1960, Stipulation was filed with this Commission by the Colorado Interstate Gas Company and several of the so-called direct-sale customers of Colorado Interstate Gas Company, for the use and benefit of said customers and all others similarly situated, agreeing to the continuance of said hearing until question of this Commission's jurisdiction is disposed of by the Supreme Court of Colorado.

The provisions of said Stipulation provide that the parties agree that said continuance will extend for a period of four months from the 27th day of January, 1960, and that the Commission shall, prior to the expiration of six months from the 19th day of January, 1960, issue its Order in said Investigation and Suspension Docket No. 422, determining just and reasonable rates to be charged customers of the Colorado Interstate Gas Company, and that by virtue of the Stipulation and determination of the justness and reasonableness of rates of Colorado Interstate Gas Company shall be unaffected by the failure of this Commission to make such determination prior to February 17, 1960, and the right of the customers shall be preserved and maintained to the extent, as if the suspension period of the rates

of Colorado Interstate Gas Company did not expire on February 17, 1960, and as if the rates and tariffs of Colorado Interstate Gas Company remain suspended from April 20, 1959, to and including the date of such determination.

The Commission, being fully advised in the premises,  
DOETH FIND:

That such Stipulation is in the public interest, and preserves the rights of all of the parties.

That said Stipulation should be approved, and the settings of the Commission heretofore made for the 27th, 28th, and 29th days of January, 1960, on the justness and reasonableness of the rates of Colorado Interstate Gas Company should be continued from said dates to the 25th day of April, 1960, at ten o'clock A. M., at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, to determine the justness and reasonableness of the rates of Colorado Interstate Gas Company heretofore filed with this Commission.

O R D E R

THE COMMISSION ORDERS:

That Stipulation filed with this Commission on January 19, 1960, by the Colorado Interstate Gas Company and several of the so-called direct-sale customers of Colorado Interstate Gas Company, for the use and benefit of said customers and all others similarly situated, is hereby approved.

That settings of the Commission heretofore made on the above-styled matter for January 27, 28, and 29, 1960, on the justness and reasonableness of the rates of Colorado Interstate Gas Company are hereby continued from said dates to ten o'clock A. M., April 25, 1960, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, to determine the justness and reasonableness of the rates of Colorado Interstate Gas Company heretofore filed with

this Commission.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Holton  
Alvin J. Anderson  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of January, 1960.

ea

original

(Decision No. 53774)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE PUEBLO GAS AND FUEL COMPANY, )  
900 FIFTEENTH STREET, DENVER, COLO- )  
RADO, FOR AN ORDER AUTHORIZING IT )  
TO PUT INTO EFFECT A REDUCED GAS )  
RATE. )  
-----

APPLICATION NO. 16032  
SUPPLEMENTAL ORDER

-----  
January 26, 1960  
-----

Appearances: Lee, Bryans, Kelly and Stansfield,  
Esqs., Denver, Colorado, by  
E. A. Stansfield, Esq., and  
Bryant O'Donnell, Esq., for  
Applicant;  
Gordon D. Hinds, Esq., Pueblo,  
Colorado, for the City of Pueblo;  
Everett R. Thompson, Denver, Colo-  
rado, and  
Paul M. Brown, Denver, Colorado,  
for the Staff of the Commission.

S T A T E M E N T

By the Commission:

On the 20th day of January, 1960, this Commission issued its  
Decision No. 53734 in the above-entitled matter, providing, inter alia,  
in its Findings and Order:

"That there shall be added to the refund sums  
heretofore mentioned, any applicable sales and  
franchise taxes recoverable by Applicant."

F I N D I N G S

THE COMMISSION FINDS:

That such Order was included in said Decision by inadvertence,  
and that the issues involved in the sales and franchise taxes were not  
involved in the petition before the Commission, and are premature, and  
should be deleted.

O R D E R

THE COMMISSION ORDERS:

That said statement be, and the same hereby is, deleted from said Decision No. 53734, of date January 20, 1960, and said Order be, and the same hereby is, modified and amended, by deleting the following from the Findings contained in said Decision No. 53734:

"That there should be added to the refund sums heretofore mentioned any applicable sales and franchise taxes recoverable by Applicant.",

and by deleting the following from the Order contained in Said Decision No. 53734:

"That there shall be added to the refund sums heretofore mentioned, any applicable sales and franchise taxes recoverable by Applicant."

That, except as herein amended, said Decision No. 53734 shall remain in full force and effect.

This Order shall become effective nunc pro tunc, as of the 20th day of ~~January~~, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nye  
Ralph C. Holow  
Henry J. Sullivan  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of January, 1960.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
R. P. ALDRIDGE, DOING BUSINESS AS, )  
"ALDRIDGE MERCANTILE COMPANY", 426 )  
SOUTH TEJON STREET, COLORADO SPRINGS, )  
COLORADO. )  
-----)

PERMIT NO. M-3253

-----  
February 3, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from R. P. Aldridge, doing  
business as, "Aldridge Mercantile Company", Colorado Springs, Colorado  
requesting that Permit No. M-3253 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3253, heretofore issued to R. P. Aldridge, doing  
business as, "Aldridge Mercantile Company", Colorado Springs, Colorado be,  
and the same is hereby, declared cancelled effective January 21, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Samuel C. Norton  
Wm. E. Zwickler  
Commissioners

Dated at Denver, Colorado,

this 3rd day of February, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
SWEDBORG'S FOODS, INCORPORATED, 9637 )  
EAST COLFAX AVENUE, AURORA, COLO- )  
RADO. )  
----- )

PERMIT NO. M-8746

-----  
February 3, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Swedborg's Foods, Inc.,  
Aurora, Colorado  
requesting that Permit No. M-8746 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8746, heretofore issued to Swedborg's Foods, Inc.,  
Aurora, Colorado be,  
and the same is hereby, declared cancelled effective January 1, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Holton  
Henry E. Ziegler  
Commissioners

Dated at Denver, Colorado,

this 3rd day of February, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

JOSEPH W. EKSTROM, DOING BUSINESS AS, )  
"HONEST JOES USED CARS AND PARTS", )  
3615 MORRISON ROAD, DENVER 19, COLO- )  
RADO. )  
-----)

PERMIT NO. M-11718

-----  
February 3, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Joseph W. Ekstrom,  
doing business as, "Honest Joes Used Cars and Parts", Denver 19, Colorado  
requesting that Permit No. M-11718 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11718, heretofore issued to Joseph W. Ekstrom, doing  
business as, "Honest Joes Used Cars and Parts", Denver 19, Colorado be,  
and the same is hereby, declared cancelled effective January 1, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Horton  
Henry E. Zaulinger  
Commissioners

Dated at Denver, Colorado,

this 3rd day of February, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ARDEN'S T V AND APPLIANCE CENTER,  
INCORPORATED, 502 NORTH SANTA FE,  
PUEBLO, COLORADO.

PERMIT NO. M-13647

February 3, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Arden's T V and  
Appliance Center, Inc., Pueblo, Colorado  
requesting that Permit No. M-13647 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13647, heretofore issued to Arden's T V and  
Appliance Center, Inc., Pueblo, Colorado be,  
and the same is hereby, declared cancelled effective January 2, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Horton  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 3rd day of February, 195 60.

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CLAUDE D. HARVEY, JR., FRUITA, )  
COLORADO. )  
)  
)  
)  
-----

PERMIT NO. B-1605

-----  
February 3, 1960  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-1605 be suspended for six months from January 1, 1960.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Claude D. Harvey, Jr., Fruita, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-1605 until July 1, 1960.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to re-instate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Raymond C. Norton  
Henry E. Zerkow  
Commissioners

Dated at Denver, Colorado,  
this 3rd day of February, 1960



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
KENNETH BROSIUS, STAPLETON, )  
NEBRASKA. )

PUC NO. 3926-I

February 2, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Kenneth Brosius,  
Stapleton, Nebraska

requesting that Certificate of Public Convenience and Necessity No. 3926-I  
be cancelled.

## FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

# ORDER

THE COMMISSION ORDERS:

That Certificate No. 3926-I heretofore issued to Kennt Brosius,  
Stapleton, Nebraska

be, and the same is hereby, declared cancelled effective January 19, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zaulings  
Commissioners

Dated at Denver, Colorado,

this 3rd day of February, 19 60.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WASH BROTHERS, INCORPORATED, 402 )  
ELWOOD STREET, STERLING, COLORADO. )  
\_\_\_\_\_)

PERMIT NO. M-2087

February 4, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Wash Brothers, Inc.,  
Sterling, Colorado  
requesting that Permit No. M-2087 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2087, heretofore issued to Wash Brothers, Inc.,  
Sterling, Colorado be,  
and the same is hereby, declared cancelled effective January 25, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 4th day of February, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BERT E. SANDERS, DOING BUSINESS AS, )  
"IDAHO SPRINGS IRON AND METAL COM- )  
PANY", P. O. BOX 15, IDAHO SPRINGS, )  
COLORADO. )  
-----)

PERMIT NO. M-6767

-----  
February 4, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Bert E. Sanders, dba  
"Idaho Springs Iron & Metal Company", Idaho Springs, Colorado  
requesting that Permit No. M-6767 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6767, heretofore issued to Bert E. Sanders, dba  
"Idaho Springs Iron & Metal Company", Idaho Springs, Colorado be,  
and the same is hereby, declared cancelled effective November 30, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Wm. E. Zullinger  
Commissioners

Dated at Denver, Colorado,  
this 4th day of February, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GLEN F. AND L. R. NORRIS, 312 - 11TH )  
AVENUE, GREELEY, COLORADO. )  
----- )

PERMIT NO. M-11168

February 4, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Glen F. and L. R. Norris, Greeley, Colorado  
requesting that Permit No. M-11168 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11168, heretofore issued to Glen F. and L. R. Norris, Greeley, Colorado be,  
and the same is hereby, declared cancelled effective December 31, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Robert C. Horton  
Wm. E. Zaulings  
Commissioners

Dated at Denver, Colorado,

this 4th day of February, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
MARVIN L. MILNER, ESTES PARK ROUTE, )  
LOVELAND, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-14195

February 4, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Marvin L. Milner,  
Loveland, Colorado  
requesting that Permit No. M-14195 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14195, heretofore issued to Marvin L. Milner,  
Loveland, Colorado be,  
and the same is hereby, declared cancelled effective December 31, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Frank C. Horton  
Henry E. Zullinger  
Commissioners

Dated at Denver, Colorado,

this 4th day of February, 195/ 60.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
UNIVERSAL COMPANY OF COLORADO, )  
INCORPORATED, 1571 - 11TH )  
STREET, DENVER 4, COLORADO. )

PUC NO. 4383-I

February 4, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Universal Company of  
Colorado, Inc., Denver 4, Colorado

requesting that Certificate of Public Convenience and Necessity No. 4383-I  
be cancelled.

## FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 4383-I heretofore issued to Universal  
Company of Colorado, Inc., Denver 4, Colorado

be, and the same is hereby, declared cancelled effective November 15, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
George C. Horton  
Henry E. Zuckers  
Commissioners

Dated at Denver, Colorado,

this 4th day of February . 19 60.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CONTINENTAL-EMSCO COMPANY (DIVISION )  
OF YOUNGSTOWN SHEET AND TUBE COMPANY) )  
P. O. BOX 359, DALLAS 21, TEXAS. )  
----- )

PERMIT NO. M-2383

February 4, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Continental-Emsco  
(Division of Youngstown Sheet & Tube Co.), Dallas 21, Texas  
requesting that Permit No. M-2383 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2383, heretofore issued to Continental Emsco  
(Division of Youngstown Sheet & Tube Co.), Dallas 21, Texas be,  
and the same is hereby, declared cancelled effective December 31, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Samuel C. Horton  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 4th day of February, 195 60.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
FRASER AND JOHNSTON COMPANY (A CORP- )  
ORATION), 3340 BRIGHTON BOULEVARD, )  
DENVER 5, COLORADO. )  
----- )

PERMIT NO. M-7861

-----  
February 4, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Fraser and Johnston  
Company (A Corp.), Denver 5, Colorado  
requesting that Permit No. M-7861 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7861, heretofore issued to Fraser and Johnston  
Company (A Corp.), Denver 5, Colorado be,  
and the same is hereby, declared cancelled effective January 1, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Norton  
Henry E. Zalusky  
Commissioners

Dated at Denver, Colorado,

this 4th day of February, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
W. SCHWINDORF AND ROY BROWN, DOING )  
BUSINESS AS, "GAMBLES AUTHORIZED )  
DEALER", 204 NO. MAIN, ROCKY FORD, )  
COLORADO. )  
----- )

PERMIT NO. M-12175

-----  
February 4, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from W. Schwindorf & Roy Brown, doing business as, "Gambles Authorized Dealer", Rocky Ford, Colorado requesting that Permit No. M-12175 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12175, heretofore issued to W. Schwindorf & Roy Brown, doing business as, "Gambles Authorized Dealer", Rocky Ford, Colorado be, and the same is hereby, declared cancelled effective January 25, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Robert C. Horton  
Henry E. Zalusky  
Commissioners

Dated at Denver, Colorado,

this 4th day of February, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
C. RAY MAYFIELD, 2104 EAST 15TH, )  
PUEBLO, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-10654

-----  
February 4, 1960  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from C. Ray Mayfield,  
Pueblo, Colorado  
requesting that Permit No. M-10654 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10654, heretofore issued to C. Ray Mayfield,  
Pueblo, Colorado be,  
and the same is hereby, declared cancelled effective January 1, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Wm. E. Zuckert  
Commissioners

Dated at Denver, Colorado,

this 4th day of February, 19560.

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
C. RAY MAYFIELD, 2104 EAST 15TH )  
PUEBLO, COLORADO. )  
)  
)  
)  
-----

PERMIT NO. B-4679

-----  
February 4, 1960  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-4679 be suspended for six months from January 1, 1960.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That C. Ray Mayfield, Pueblo, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-4679 until July 1, 1960.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to re-instate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Norton  
Wm. E. Zwick  
Commissioners

Dated at Denver, Colorado,  
this 4th day of February, 19 60

original

(Decision No. 53791)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
UNION PACIFIC RAILROAD COMPANY TO )	
DISCONTINUE AGENCY STATION AT ILIFF, )	APPLICATION NO. 17472
LOGAN COUNTY, COLORADO. )	
-----)	

-----  
January 27, 1960  
-----

S T A T E M E N T

By the Commission:

By the instant application, Union Pacific Railroad Company, a corporation of the State of Utah, duly authorized as a common carrier and so doing business in the State of Colorado, seeks authority from this Commission to close its agency station at Iliff, Logan County, Colorado.

Iliff is a station on the Julesburg-Denver line of said railroad and located northeasterly of Sterling 11.9 miles and 15.5 miles west of Crook. Iliff is on Highway U. S. 138, an all-weather hardtop road. According to the latest census, the population of Iliff is 275. Petitioner maintains a one-man agency station, the hours being Monday through Friday, from 8:00 A. M. until 5:00 P. M.

In the instant application, it is proposed that since the principal agency activity has been handling of carload shipments, there is no longer a general public demand that will justify the continued expense of keeping an agent at Iliff nor is there any necessity for an agent to transmit train orders, or for any other purpose connected with the operations of the railroad. In the past two and one-half years, there have been no passenger tickets sold at the station, and it is not a stop for any passenger train. It is proposed that since LCL shipments, railway express, milk and cream, and baggage are now handled in and out of Iliff on Union Pacific supplemental truck service, there will be no change in this service as it is presently constituted. Shipments will be picked up or left



at the depot building, the consignees being notified by the agent at Sterling. Mail is not handled by trains into or out of Iliff, but by Government Star Route, served by trucks.

Pursuant to the Commission's Rules and Regulations Pertaining to Railroads and Express Companies Operating in Colorado, and under Rule No. 6 thereof, the Union Pacific Railroad Company posted proper public notice at the Iliff station, describing the proposed withdrawal of agency service and indicating that public protests should be forwarded to the Public Utilities Commission.

Subsequent to the above posting, complaints came to the Commission as follows:

November 25, 1959: Morton L. Miller (Joe Miller & Company Stock Feeders). Telephone Call. Protested removal of stock pens. Matter was explained to him that only removal planned was to close the station. After further confirmation with Union Pacific, Mr. Miller reported he had no complaint, and asked for withdrawal of his protest.

December 14, 1959: Letter of Mr. A. W. Crum, to protest closing of Iliff Station.

December 30, 1959: Letter of Mr. Crum to withdraw protest on basis that by later information he learned the railroad stockyards would remain.

Meanwhile, investigation by the Commission reveals the following: Facilities at Iliff consist of (a) Combination depot building, L.C.L freight warehouse and Agent living quarters, (b) Section man's house and tool house, (c) Industry track serving four small coal sheds and an eight-pen two-ramp stockyard, and (d) Yard spur to beet storage area for bulk loading of beets.

Yard capacity is 94 cars. Principal occupation of the region is irrigated farming with beets as the main crop, and other production of grains and corn for livestock feeding. Businesses at Iliff consist of three filling stations, a garage, tavern, lumber yard, implement warehouse, grocery store and hardware store.

With reference to the instant application, it appears that L.C.L. shipments for the above businesses are handled by The Northeastern



Truck Line, an unscheduled common carrier, and by private carrier trucks mainly distributing food products. In addition, supplemental rail service is offered by Union Pacific truck line so that no change in L.C.L. handling is contemplated.

Concerning carload movements, we have the following summary:

ILIFF - Carload Movements

<u>Commodity</u>	<u>1956</u>		<u>1957</u>		<u>1958</u>		<u>1959 (6 mos.)</u>	
	<u>Fwd.</u>	<u>Rec.</u>	<u>Fwd.</u>	<u>Rec.</u>	<u>Fwd.</u>	<u>Rec.</u>	<u>Fwd.</u>	<u>Rec.</u>
Sugar Beets	240		375		301			
Livestock	8	7		30		37	1	
Feed	15		3					
Coal		2		3		2		
Lumber		1		2		2		2
Miscellaneous	<u>3</u>	<u>2</u>	<u>1</u>	<u>3</u>	<u>—</u>	<u>1</u>	<u>—</u>	<u>—</u>
Total - - - -	266	12	379	38	301	42	1	2

CARLOADS - Handled at Siding Stations

	<u>1956</u>		<u>1957</u>		<u>1958</u>		<u>1959 (6 mos.)</u>	
	<u>Fwd.</u>	<u>Rec.</u>	<u>Fwd.</u>	<u>Rec.</u>	<u>Fwd.</u>	<u>Rec.</u>	<u>Fwd.</u>	<u>Rec.</u>
Proctor		6		12		10		5
Ford	134		133		149			
Griff	10	2	1					
Powell	5			5	5	6		

It is to be noted that in the above data the large volume shipments consist of sugar beets that move during three months of the year - October, November and December. Here we have a movement that is largely routine, cars are loaded by Great Western Sugar employees, and handling by the train crews is very often at times when the agent is not on duty. Exclusive of sugar beets, the total of all other carloads handled at Iliff station was:

<u>Year</u>	<u>Other Carloads</u>	<u>Average Per Month</u>
1956	38	3
1957	42	4
1958	42	4
(6 mos.) 1959	3	1

Hence, we see that service to the public is very minor. Meanwhile, there is the rising trend in station costs, as follows:

<u>TOTAL OPERATING EXPENSES</u> <u>Iliff, Colorado</u>				
<u>Item</u>	<u>1956</u>	<u>1957</u>	<u>1958</u>	<u>1959 (6 mos.)</u>
Wages	\$4,480	\$4,765	\$5,073	\$2,421
Pay Roll Taxes	339	365	395	199
Fuel	223	206	236	49
Electricity	54	54	54	27
Telephone	115	115	115	58
Miscellaneous	<u>32</u>	<u>32</u>	<u>32</u>	<u>16</u>
Total - - -	\$5,243	\$5,537	\$5,905	\$2,770

It appears now we have the proposal that withdrawal of the Agent services at Iliff will eliminate an increasing expense item which cannot be justified by the small public need. Elimination of the expense will afford a saving to the railroad, and thereby offer a greater public benefit. In the instant matter, no reduction in switching or carload rail service is proposed; there is no passenger service now offered; L. C. L. freight, express and mail will continue to be handled by Union Pacific Motor Freight Company, and agency service will be available at either the Crook or Sterling Stations. Relative to the handling of carload shipments, we have long been aware that it is common railroad practice to handle routine billing operations at a station other than the point of origin or destination. We do not believe that withdrawal of the agent will unduly inconvenience railroad patrons in the Iliff area since essential switching and related rail services will be maintained and alternate agency service is readily available. In fact, withdrawal of customer protests has shown the lack of public interest in maintenance of the station and the greater desire for maintenance of the stockyard facilities which are used and useful.

It is therefore the belief of the Commission that the proposed change is compatible with the public interest, and the Commission has

therefore determined to hear, and has heard, said matter, forth-  
with, without further notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That safe and economical railroad operation does not require  
the maintenance of an agent at the Iliff station, Iliff, Colorado.

That public convenience and necessity in the Iliff area  
can be adequately served by other agency stations.

That the foregoing Statement, by reference, is made a part  
of these Findings.

That authority sought in the instant application should be  
granted.

O R D E R

THE COMMISSION ORDERS:

That Applicant, Union Pacific Railroad Company, be, and it  
hereby is, authorized to withdraw its agent at Iliff, Logan County,  
Colorado, and to thereafter maintain same as a prepay or non-agency  
station.

That reference shall be made to this decision in the affected  
tariff schedules to show the closing of said station and as authority  
for such action.

This Order shall become effective as of the day and date  
hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Nigro  
Walter H. Nigro  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of January, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
UNION RURAL ELECTRIC ASSOCIATION, )  
INC., BRIGHTON, COLORADO, FOR AUTH- )  
ORITY TO EXTEND FACILITIES IN THE )  
NORTHWEST QUARTER OF SECTION 33, )  
TOWNSHIP 1-SOUTH, RANGE 67-WEST. )  
----- )

APPLICATION NO. 17589-Extension

-----  
January 27, 1960  
-----

S T A T E M E N T

By the Commission:

On January 11, 1960, Union Rural Electric Association, Inc., Brighton, Colorado, filed an application with this Commission for authority to extend its facilities and to construct approximately 1,320 feet of primary single-phase line to serve Roland O. B. Wilke, located in the Northwest Quarter of Section 33, Township 1-South, Range 67-West. The estimated cost of the construction is \$1,206.00.

This application was filed pursuant to the Commission's order in Application No. 13576 - Case No. 5108, Decision No. 47074, of January 7, 1957, which set forth the procedure for obtaining authority to extend facilities distances exceeding 300 feet in length. Applicant has elected by the instant application plan (b) of said order, which provides for the Commission to issue the authority without a hearing if it so decides, and if there are no protests.

The Commission has examined the record and the files herein, and believes that this matter is one which can be decided without a formal hearing, and being fully informed in the matter will issue its order granting the construction as requested. The Commission has received a letter from Public Service Company of Colorado, dated January 14, 1960, and a letter from Colorado Central Power Company, dated January 11, 1960, both of said letters stating, in effect, that the respective companies have no objection to the granting of the authority sought by the instant application.

## F I N D I N G S

### THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That the Applicant has complied with the Commission's order in Decision No. 4707<sup>4</sup> previously referred to, and there being no objection by interested parties, the authority as requested should be issued without hearing.

That public convenience and necessity require the rendering of electric service to Roland O. B. Wilke, located in the Northwest Quarter of Section 33, Township 1-South, Range 67-West; and that Union Rural Electric Association, Inc., should be authorized to render said service.

## O R D E R

### THE COMMISSION ORDERS:

That Union Rural Electric Association, Inc., Brighton, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to extend electric service to Roland O. B. Wilke, located in the Northwest Quarter of Section 33, Township 1-South, Range 67-West, all in accordance with the application for electric service signed by and between the parties, a copy of which was filed with the Commission in the instant matter, and which, by reference, is made a part hereof.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Bolton  
Henry H. Saurigo  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of January, 1960.

ea

original

(Decision No. 53793)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
W. I. DAVIS AND R. L. RICHARDSON, )  
CO-PARTNERS, DOING BUSINESS AS "CON- )  
TRACT CARRIER CO.," 830 BROADWAY, N. )  
E., ALBUQUERQUE, NEW MEXICO, FOR )  
AUTHORITY TO TRANSFER INTERSTATE )  
OPERATING RIGHTS TO CONTRACT CAR- )  
RIERS, INC., A NEW MEXICO CORPORA- )  
TION, 830 BROADWAY, N. E., ALBUQUER- )  
QUE, NEW MEXICO. )

PERMIT NO. B-4540-I-Transfer

-----  
January 27, 1960  
-----

S T A T E M E N T

By the Commission:

Heretofore, W. I. Davis and R. L. Richardson, co-partners, doing business as "Contract Carrier Co.," Albuquerque, New Mexico, were authorized to operate as a Class "B" private carrier by motor vehicle for hire, in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, for the transportation of:

freight, between all points in Colorado  
and the Colorado State Boundary Lines,  
where all highways cross same,

said operating rights being known as "Permit No. B-4540-I."

Said permit-holders now seek authority to transfer said operating rights to Contract Carriers, Inc., a New Mexico Corporation, Albuquerque, New Mexico.

The records and files of the Commission fail to disclose any reason why said request should not be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public



interest, and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That W. I. Davis and R. L. Richardson, co-partners, doing business as "Contract Carrier Co.," Albuquerque, New Mexico, be, and they hereby are, authorized to transfer all their right, title, and interest in and to Permit No. B-4540-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Contract Carriers, Inc., Albuquerque, New Mexico, subject to payment of outstanding indebtedness against said permit, if any there be, whether secured or unsecured, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Nigro  
James G. Nigro  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of January, 1960.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
E. C. STALLSWORTH, DOING BUSINESS AS )  
"ALL-CITY HAULERS," 2345 WEST 33RD )  
AVENUE, DENVER, COLORADO, FOR AUTH- )  
ORITY TO TRANSFER PUC NO. 3634 TO ) APPLICATION NO. 17592-Transfer  
DEE C. BODLE, DOING BUSINESS AS "ALL- )  
CITY RUBBISH REMOVAL," 1660 WEST )  
55TH AVENUE, DENVER, COLORADO. )  
----- )

-----  
January 27, 1960  
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Appearances: E. C. Stallsworth, Denver,  
Colorado, pro se;  
Dee C. Bodle, Denver, Colo-  
rado, pro se.

S T A T E M E N T

By the Commission:

E. C. Stallsworth, doing business as "All-City Haulers,"  
Denver, Colorado, is the owner and operator of PUC No. 3634, which  
authorizes:

Transportation of ashes, trash and other waste  
materials, between points within the City and  
County of Denver, and from points within the  
City and County of Denver, to regularly-desig-  
nated and approved dumps and disposal places in  
the Counties of Adams, Arapahoe, and Jefferson,  
State of Colorado.

By the instant application, said certificate-holder seeks  
authority to transfer said PUC No. 3634 to Dee C. Bodle, doing  
business as "All-City Rubbish Removal," Denver, Colorado.

Said application, pursuant to prior setting, after appro-  
priate notice to all parties in interest, was heard at the Hearing  
Room of the Commission, 330 State Office Building, Denver, Colorado,  
January 25, 1960, and at the conclusion of the evidence, the matter  
was taken under advisement.

E. C. Stallsworth, Transferor, and Dee C. Bodle, Transferee,  
appeared and testified in support of the transfer. The transferee

testified that he had a 1958 one and one-half-ton Chevrolet Truck and had a net worth of approximately \$9,000.

No one appeared in opposition to the proposed transfer, and no reason appears why the same should not be granted.

The operating experience and financial responsibility of transferee were established to the satisfaction of the Commission.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

### O R D E R

#### THE COMMISSION ORDERS:

That E. C. Stallsworth, doing business as "All-City Haulers," Denver, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 3634 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Dee C. Bodle, doing business as "All-City Rubbish Removal," Denver, Colorado, subject to payment of outstanding indebtedness against said certificate, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Hoken  
Alvin E. Maden  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of January, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RICHARD BEBBER, DOING BUSINESS AS )  
"BEBBER RUBBISH REMOVAL," 1608 WEST )  
KENTUCKY, DENVER, COLORADO, FOR AU- )  
THORITY TO TRANSFER PUC NO. 2782 TO )  
HARRY ELLIS, DOING BUSINESS AS )  
"ELLIS DISPOSAL COMPANY," BOX 116, )  
WESTMINSTER, COLORADO. )  
- - - - - )

APPLICATION NO. 17593-Transfer

- - - - -  
January 27, 1960  
- - - - -

Appearances: Harry Ellis, Westminster,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Richard Bebber, doing business as "Bebber Rubbish Removal,"  
Denver, Colorado, is the owner and operator of PUC No. 2782, author-  
izing:

Call and demand transportation service for the  
collection and disposal of trash, rubbish and  
garbage in that portion of Adams County, Colo-  
rado, lying west of a line drawn north and south  
through the intersection of Highway No. 85 and  
the Adams County North Boundary Line (except the  
Towns of Westminster, Adams City, Derby, and  
Aurora, Colorado), but specifically including  
service in the Town of Brighton, in Adams County,  
Colorado, and a radius of one mile thereof, and  
Ft. Lupton, in Weld County, Colorado, and a radius  
of one mile thereof, and from the above-described  
areas to available dumps and garbage-cooking plants,  
and cooked garbage from such garbage-cooking plants,  
to hog ranches within a radius of 75 miles of  
Denver, Colorado.

By the instant application, said certificate-holder seeks  
authority to transfer said PUC No. 2782 to Harry Ellis, doing business  
as "Ellis Disposal Company," Westminster, Colorado.

Said application, pursuant to prior setting, after appro-  
priate notice to all parties in interest, was heard at the Hearing  
Room of the Commission, 330 State Office Building, Denver, Colorado,

January 25, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

Harry Ellis, the transferee, appeared and testified in support of the transfer to the effect that he was paying \$6,000 for the certificate and would use a 1960 Chevrolet Truck in the operation. His testimony indicated that he is well qualified.

No one appeared in opposition to the proposed transfer, and no reason appears why the same should not be granted.

The operating experience and financial responsibility of transferee were established to the satisfaction of the Commission.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

### O R D E R

#### THE COMMISSION ORDERS:

That Richard Bebbber, doing business as "Bebber Rubbish Removal," Denver, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 2782 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Harry Ellis, doing business as "Ellis Disposal Company," Westminster, Colorado, subject to payment of outstanding indebtedness against said certificate, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein



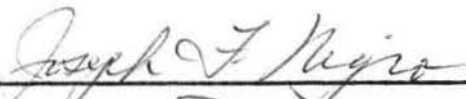


granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners.

Dated at Denver, Colorado,  
this 27th day of January, 1960.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
PETE LEAL, 1035 WEST 37TH AVENUE, )	
DENVER, COLORADO, FOR AUTHORITY TO )	
TRANSFER PERMIT NO. B-4243 TO PETE )	APPLICATION NO. 17594-PP-Transfer
LEAL AND TONY LEAL, CO-PARTNERS, )	
320 FOX STREET, DENVER, COLORADO. )	
----- )	

-----  
January 27, 1960  
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S T A T E M E N T

By the Commission:

Pete Leal, Denver, Colorado, is the owner and operator  
of Permit No. B-4243, authorizing:

Transportation of sand, gravel, and other road-surfacing materials from pits and supply points in the State of Colorado, to road and building construction jobs within a radius of fifty (50) miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

Transportation of coal from the northern Colorado coal fields to Denver, The Federal Center, Lowry Field, and Valmont Plant of Public Service Company near Boulder, Colorado.

Transportation of sand, gravel, and other road-surfacing materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to roads and building construction jobs within a radius of fifty (50) miles of said pits and supply points; coal from the northern Colorado coal fields to Denver, to the Federal Center near Denver, to Lowry Field near Denver, and to the Valmont Plant of Public Service Company near Boulder, Colorado.

Transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within

a radius of fifty miles of said pits and supply points; clay and natural fertilizer, from pits and supply points in the State of Colorado, to points within a radius of fifty miles of said pits and supply points; peat moss, from pits and supply points in the State of Colorado, to points within a radius of seventy-five miles of said pits and supply points.

By the instant application, said permit-holder seeks authority to transfer said Permit No. B-4243 to Pete Leal and Tony Leal, co-partners, Denver, Colorado.

Said application was regularly set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, January 25, 1960, due notice of the time and place being forwarded to all parties in interest.

Notwithstanding said notice, transferor and transferee herein failed to appear, either in person or by counsel, at the time and place designated for hearing.

The files were made a part of the record, and the matter was taken under advisement.

No one appeared in opposition to the granting of the authority sought.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

#### O R D E R

##### THE COMMISSION ORDERS:

That Pete Leal, Denver, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-4243 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Pete Leal and Tony Leal, co-partners, Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferees, in writing, have advised the Commission that said permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The right of transferees to operate under this Order shall depend upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to time of transfer of said permit.

This Order is made a part of the permit authority to be transferred, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Hobbs  
Henry S. Mulcup  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of January, 1960.

ea

original

(Decision No. 53797)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RALPH MARTINEZ, 4458 JASON STREET, )  
DENVER, COLORADO, FOR AUTHORITY TO )  
TRANSFER PERMIT NO. B-3112 TO )  
EUSEBIO MARTINEZ, 5791 EAST 62ND )  
AVENUE, DERBY, COLORADO. )

APPLICATION NO. 17595-PP-Transfer

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January 27, 1960  
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Appearances: Eusebio Martinez, Derby,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Ralph Martinez, Denver, Colorado, is the owner and operator of  
Permit No. B-3112, authorizing:

transportation of sand, gravel and other  
road surfacing materials from pits and  
supply points within a radius of 50 miles  
of Denver, Colorado, to jobs within said  
area, excluding service in Boulder, Clear  
Creek and Gilpin Counties; and coal from  
mines in the northern Colorado coal  
fields to Denver, Colorado, cinders and  
cinder blocks between points within a ra-  
dius of 50 miles of Denver, Colorado, ex-  
cluding service from Denver to points  
served by Langford & Tuxhorn under Certif-  
icate No. 272;

transportation of building blocks and brick  
from Denver, Colorado, to points within a  
radius of 50 miles of Denver, Colorado, for  
George F. Strauss Cinder Block Co., Inc.,  
5050 Race Street, Denver, Colorado, and for  
Denver Sewer Pipe & Clay Co., 45th & Fox  
Street, Denver, Colorado, only, without the  
right to add to the number of customers  
without permission of this Commission first  
had and obtained.

By the instant application, said permit-holder seeks auth-  
ority to transfer said Permit No. B-3112 to Eusebio Martinez, Derby,  
Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, January 25, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

Eusebio Martinez appeared in support of the application. Said witness is the transferee, and his testimony indicates that he is financially worth approximately \$23,000, and has had experience in the business.

No one appeared in opposition to the proposed transfer, and no reason appears why the same should not be granted.

The operating experience and financial responsibility of transferee were established to the satisfaction of the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

#### O R D E R

##### THE COMMISSION ORDERS:

That Ralph Martinez, Denver, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-3112 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Eusebio Martinez, Derby, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with,



the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The right of transferee to operate under this Order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to the time of transfer of said permit.

This Order is made a part of the permit authorized to be transferred.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Neizer  
Ralph C. Horton  
Wm. J. Mulvey  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of January, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
PLACIDO VIGIL, JR., 1004 RICO )  
STREET, TRINIDAD, COLORADO. )  
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PERMIT NO. M-1461  
CASE NO. 91874-INS.

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January 27, 1960  
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S T A T E M E N T

By the Commission:

On December 8, 1959, the Commission entered its Decision in Case No. 91874-Ins., revoking Permit No. M-1461 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that Respondent herein had effective insurance on said date, but due to error or neglect on the part of his insurance agent, Certificate of Insurance was not filed with the Commission.

Proper Certificate of Insurance has now been filed with the Commission, showing insurance in full force and effect, without lapse.

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-1461 be, and the same hereby is, reinstated, as of December 8, 1959, revocation order entered by the Commission on said date in Case No. 91874-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Meyer*  
*Joseph E. Horton*  
*Henry J. Pulley*  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of January, 1960.  
mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
NUCLA-NATURITA TELEPHONE COMPANY, )  
NUCLA, COLORADO, FOR A CHANGE OF )  
RATES AND RULES AND REGULATIONS. )  
----- )

APPLICATION NO. 17415

COLORADO COOPERATIVE COMPANY, )  
AND C. C. SHEATS, JR., NUCLA, )  
COLORADO, )

Complainants, )

vs. )

CASE NO. 5167

NUCLA-NATURITA TELEPHONE COMPANY, )  
NUCLA, COLORADO, )

Defendant. )  
----- )

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January 22, 1960  
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Appearances: Theodore L. Brooks, Esq.,  
Montrose, Colorado, for  
Applicant and Defendant;  
Barry, Dawkins and Boyle, Esqs.,  
Denver, Colorado, and  
Dickerson, Morrissey and Dwyer,  
Esqs., Denver, Colorado,  
for Protestants and  
Complainants;  
Joseph M. McNulty, Denver,  
Colorado, for the Staff of  
the Commission.

S T A T E M E N T

By the Commission:

The above-styled matters, pursuant to prior setting, after appropriate notice to all parties in interest, were heard at the Meeting Room of the San Miguel Power Association, Nucla, Colorado, November 10, 1959, and at the conclusion of the evidence, the matters were taken under advisement.

This is a consolidated action combining the application of the Nucla-Naturita Telephone Company for a change of rates and rules

and regulations, and the Complaint of the Colorado Cooperative Company against the said Telephone Company for an Order of this Commission requiring the company to construct, maintain, and operate a telephone line from Nucla, Colorado, to Ute, Colorado.

In view of the fact that the issues joined by the Complaint may have a bearing on the rate case, we shall deal with the problem raised by the Complaint first.

At the time of the hearing, the Nucla-Naturita Telephone Company operated a telephone company on a magneto system. It is the plan of the company to convert to a dial system. A part of the present system is Line No. 6, which extends from Nucla to Ute, Colorado, along the line of a fourteen-mile irrigation ditch of the Colorado Cooperative Company. The Company does not propose to reconstruct this Line No. 6 as an integrated part of the new dial telephone system, contending that the ownership of the line is in the Colorado Cooperative Company, and that there is no duty on the part of the Telephone Company to construct said line.

Considerable evidence was adduced on behalf of both parties, which dealt with the history of the ditch, the community of Nucla, and Line No. 6. We deem this evidence pertinent to the issues involved and bearing great weight on the questions we must decide.

The history of the ditch and Line No. 6 was related by old pioneers who were among the first to settle the area. This history is a saga of the courage, determination, and cooperative spirit of a small band of enterprising adherents to the Fabian philosophy, who joined together in Denver around the turn of the century and proceeded to the vicinity of Nucla. There they penetrated into the high San Juans to Ute, to construct an irrigation ditch fourteen miles long to service six thousand acres of farm land near Nucla. This ditch became the arterial life line to give sustenance and succor to the new inhabitants. Without the ditch there was an arid, undeveloped land;

with it there is a small but thriving community, with its prosperity irrevocably wedded to the land. With the ditch there is domestic water for the town. In brief, the ditch is Nucla!

Consistent with their cooperative philosophies, the residents of Nucla constructed a telephone line to parallel the ditch. This was necessary to enable the ditch-riders and maintainers to communicate with others in the Town of Nucla, to advise of water level conditions, for the normal needs of the men working on the ditch, and for emergencies. It soon became apparent that if a telephone system were established within the town, those working at the headgate of the ditch could easily contact other persons in the town for assistance when needed. Thus, the focal importance of the ditch once again asserted itself that the telephone system of the town was established to service the ditch. All of this occurred in about 1907.

With this integration of Line No. 6 with a town telephone system, others who had farms in the vicinity of the line connected their homes to this integrated system. Service has been rendered continuously since its inception, with minor interruptions, to the headgate of the ditch, and to five or six farmers in the area, by the telephone system that was established.

During the early 1920's, the telephone system was sold by the Sheriff of Montrose County under a distraint sale, to a Mrs. McNutt, a former employee. She continued to operate the telephone system, including service to Line No. 6, until 1946, when it was sold to a husband and wife. The company remained in individual hands until 1956, when a corporation, the present owner, was formed.

We emphasize that during all of this period, and regardless of ownership, service has been rendered to the Colorado Cooperative Company, by means of Line No. 6, and to farmers in the area through this same line. At the present time, according to the testimony of witnesses, these same farmers require service through the line. The municipal water system, which has four hundred taps, obtains its water

from the ditch, and ditch-riders and maintainers still service the ditch from its headgate. The same need, for the benefit of individual farmers, and for the benefit of the entire town, exists today, as it existed since 1907, with the possible exception that it has intensified.

We believe that there are two issues raised by the Complaint. One involves the duty to render service, the other the duty to construct facilities to render said service. If there is a duty to serve on the part of the telephone company to the customers along Line No. 6, then the issue arises as to the duty to construct Line No. 6. If the telephone company owns the line then it must construct a new Line No. 6. Otherwise, their action would constitute an abandonment. If it does not own Line No. 6 as it asserts, then it must be determined if the telephone company may force the Colorado Coperative Company to reconstruct the line under the same theories of an extension policy that would apply to an addition or a conversion.

Great issue was made by the contesting parties as to the ownership of the line, and as to which party maintained the line when it became a privately-owned utility in the 1920's. We believe this issue to be wholly immaterial on the question of the duty to serve. When the telephone company became a private utility, it continued to render service to the Colorado Cooperative Company, and to the other farmers served by Line No. 6. The conversion from magneto to dial simply means the change-over of equipment; it, in no wise, does, nor can it, affect the duty of the Nucla-Naturita Telephone Company to continue service along Line No. 6. This duty is absolute under its certificate. We hold that the Telephone Company must continue to serve.

The construction of the new line does, however, raise a different question, which is related to the duty of a utility to construct either an extension or an addition or conversion to a remote area. We do not decide at this time the ownership of the line and



whether or not it is an extension or an addition or a conversion. Assuming, but not admitting, that Line No. 6 is owned by Colorado Cooperative Company, we nevertheless feel that in the installation of new type facilities by the Telephone Company that it can be required to build a new line for the Colorado Cooperative Company as an extension of service.

The law on this subject is well settled. A utility may be required to serve as long as the extension does not constitute a seizure of its property without due process of law. It is this principal that has enabled utilities to impose extension policies that require the customer to make contributions in aid of construction of the new extension. In the instant case, the Telephone Company has agreed to continue the service, if the Colorado Cooperative Company will pay for the construction of the line.

A corollary to the legal proposition that we have stated above is that the extension of service may be required if the service is needed and the costs of the extension are reasonable; that is, if the utility could expend the money necessary to make the extension, and yet earn a reasonable return on its investment on the rates allowed by the Commission, and without discriminating against other customers of the utility.

That the service required by Line No. 6 is needed is not open to dispute. Telephone service integrated into a town system is absolutely essential to a proper operation of the ditch, and the ditch is the heart of the community.

On the question as to whether or not the required extension is reasonable, we shall not go into detail in this phase of the decision, since it will be treated in the rate aspect of the case. Suffice it to say, however, that under the rates sought by the Telephone Company, the expenditure of over twenty thousand dollars, when added to the rate base, will still provide a return that is just and reasonable.

The question of discrimination has not been raised by any of the parties. It is to be observed, however, that service to the ditch is of direct benefit to the residents of the town, who are the other customers of the company. Thus, by rolling in the cost of the new line and its revenues without allocation, and basing a rate on such a rate base, will, in no wise, discriminate against the town customers. Such a service is of direct benefit to them. We have previously pointed out that telephone service to the ditch is vital for its operation and maintenance. Operation of the ditch is vital to the economic survival of the town and to the water supply for its citizens. There is such a community of interest between the citizens of the town who are other customers of the Telephone Company and telephone service to the ditch, that we do not view construction of a new Line No. 6 as being discriminatory against the customers of the Telephone Company.

It is our conclusion that the Nucla-Naturita Telephone Company must continue service to its customers served by Line No. 6, and that the Company must construct the necessary facilities to integrate such a line with the new dial system.

We have based our conclusion on the duty of the Nucla-Naturita Telephone Company to construct the additional facilities, on an assumption that the Nucla-Naturita Telephone Company did not own the controversial Line No. 6, and that the construction of the new line constituted an extension. The basis of the Complaint of the Colorado Cooperative Company, however, and the Answer of the Telephone Company, joined issue on the question of the ownership of this line. In giving attention to this theory of the case, we find the position of the Telephone Company no more tenable than if this was a new extension.

Numerous witnesses who lived in the area at the time the line was constructed, in 1907, and who thus had first-hand knowledge, testified as we have pointed out above, that this line was an integral part of the Telephone Company's system, and that in effect the

Telephone Company's system in the Town of Nucla was, in reality, constructed to serve Line No. 6. There was considerable evidence on the part of these witnesses that throughout the years the Telephone Company did operate and maintain the line, although this is disputed to some extent by the present owners of the company. Since this evidence is in direct conflict, we are called upon to make a determination of fact on the disputed evidence, considering the opportunity and ability of the witnesses for the Colorado Cooperative Company to have first-hand knowledge of the facts, we must lend our weight to the credibility of the witnesses for the Colorado Cooperative Company and conclude that maintenance and exercise of dominion over the line are indices of ownership exercised by the Telephone Company, and that ownership of said line is in the Telephone Company.

The original records from Montrose County were not available. Fragmentary evidence, however, did show that the Farmers' Mutual Telephone Company, which owned all of the lines, and which was an outgrowth of the original Telephone Company, did own Line No. 6. We believe it is a fair inference to conclude that it was the intention to sell Line No. 6 to the predecessor of the present owners of the Telephone Company, as well as the lines in Nucla.

We are further impelled to this conclusion by the Annual Reports filed by the Telephone Company with this Commission that nowhere indicate ownership of Line No. 6 in any other party, and nowhere do they indicate any rental or leased lines that were being used by the Telephone Company as part of its system, yet, the Telephone Company billed customers on Line No. 6 directly for telephone service. It would be our conclusion from all of the evidence -- fragmentary as it is -- that Nucla-Naturita Telephone Company is the owner of Line No. 6, and that their failure to integrate this line by the construction of a new line available for dial service is an attempt to abandon service. The burden of proof to engage in such an abandonment is upon the Nucla-Naturita Telephone Company to show just cause for such

an abandonment. The Company did not attempt to discharge this burden of proof, nor did it sustain it in any way. It restricted itself solely to the question of ownership of the line. Such an abandonment therefore cannot be authorized.

Again, assuming ownership of the line by Colorado Cooperative Company, there exists serious doubt in our minds whether or not a utility company rendering service over a customer-owned line by its change of the type of service may force additions or conversion of the customer-owned facility. In order to accomplish such an act we believe the utility would require the permission of this Commission, and in order to obtain that permission the burden of proof would be upon the utility to show the great public interest in requiring the conversion or abandoning the service with the costs being borne by the utility. In this case, the Telephone Company has wholly failed, nor did it attempt to sustain this burden of proof.

Regardless of the theory employed, whether it be an extension, an addition or a conversion, or whether the ownership of the line is in question, upon review of the evidence, we must hold that the Telephone Company must construct the new Line No. 6 or continue to render complete telephone service to the customers along this line.

#### RATE CASE

By virtue of the conversion of the company's facilities from magneto to dial, the Company proposes new rates and tariff filings, being Colorado P. U. C. No. 2, to replace Colo. P.U.C. No. 1. Under the application, as amended at the hearing, the Company has asked for a rate of return of 3.45% on its rate base.

The Company's principal service area is Nucla-Naturita, and the area from Nucla to Ute, along the Colorado Cooperative Ditch. The Company has obtained a loan of \$280,000 from the Rural Telephone Administration of the United States Government, for the conversion to a dial system, and it has dedicated certain existing properties of the Company to the public use. The Company also interconnects with

The Mountain States Telephone and Telegraph Company for service to other parts of the State.

The Company adduced evidence in support of its proposed rate-filing, and made certain minor amendments thereto during the course of the hearing.

#### RATE BASE

A determination of rate base for this Company must necessarily be based upon best estimates, giving due benefit to the Company for all investments made by it.

The Company contended that its existing plant had a net rate base, after depreciation, of \$75,500. It added to this the amount of plant under construction, in the sum of \$279,000, making a total rate base of \$354,500.

With this contention, we cannot agree. The Company's approach fails to take into consideration property retirements which will be affected by the conversion to dial, and which property will no longer be used or useful in the public service. In addition, there is a very substantial acquisition adjustment that cannot be allowed. Mrs. McNutt acquired the property in the 1920's for a nominal amount. She did make some property additions, the records of which are not available. Thus, the Company itself has failed to provide us with the accurate proof of the original investment. The property was sold by Mrs. McNutt in 1946, for \$3,000. To this has been added a \$4,500 building and other capital improvements, the exact amount of which the Company again was unable to prove. In 1956, the owners sold the Company to a corporation which they had organized, for some \$80,000. This amount was presumably based upon the fair market value of the property at the time. The customers of the Company in no way benefitted by the transfer; no money was paid by the Corporation for the Company, all consideration being paid in Capital Stock, and the principal stockholder of the Corporation is the principal former owner. This former owner testified that it was her belief that at the time of the sale to the Corporation for \$80,000, there was approximately \$49,000 invested



in the Company. This amount did not take into consideration depreciation, nor does it take into consideration property retirements by virtue of the conversion. Giving consideration to these factors, it is our best estimate that a rate base of \$25,000 for existing plant is most reasonable and fair to the Company. On this basis, we find the rate base dedicated to public service to be as follows:

Plant in service or under construction . . . . .	\$281,458
Old Plant retained in service . . . . .	25,000
Materials and supplies (2% of Plant Est. . . . .	6,129
Working Capital (1 month's expense less depreciation and taxes . . . . .	3,000
Gross rate base . . . . .	<u>\$315,587</u>

Less:

Depreciation on new plant . . . . .	\$2,463.
* Depreciation on old plant . . . . .	<u>3,500.</u>

Depreciation . . . . .	\$5,963
<u>RATE BASE . . . . .</u>	<u>\$309,624</u>
Add Est. Cost of Line No. 6 . . . . .	<u>23,000</u>

Total Adjusted Rate Base . . . . .	\$332,624
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\* - 1958 Annual Report to P.U.C. shows depreciation reserve to depreciable plant to be about 14%.

#### INCOME AND EXPENSES FOR TEST YEAR

The Company proposed a test year, for the year ending December 31, 1960. Since this is a conversion to a dial system, a completely new rate and telephone schedule is proposed by the Company. We accepted the proformed test year, showing revenues and expenses, as being a reasonable basis for calculating revenue and expenses. The Commission does wish to point out, however, that the operations of any company are always subject to review, and after the experience gained from a reasonable passing of time, both the Company and the Commission may review the Company's operations with the new system.

The proposals of the Company did not include the construction of Line No. 6, its maintenance, and the revenues to be derived therefrom. In addition, there were certain adjustments proposed by the Company. We have accepted the Company adjustments, and included adjustments arising by inclusion of Line No. 6 as part of the integrated telephone system, with the following results:



Operating Revenue . . . . .	\$69,882.20
Operating Expenses . . . . .	\$51,441.41
Joint Use Expense . . . . .	355.12
Vehicle Expenses . . . . .	2,400.00
Total Expenses . . . . .	<u>\$54,196.53</u>

Net Operating Revenue . . . . . \$15,685.67

As Adjusted by PUC:

Operating Revenue, including Line #6 . \$70,133.70

Operating Expenses, including Line #6 . \$56,151.53  
(before Income Taxes)

Federal Income Taxes . . . . .	2,263.52
Colorado Income Taxes . . . . .	<u>397.11</u>

Total Operating Expenses . . . . . \$58,812.16

Net Operating Income . . . . . \$11,321.54

Rate of Return on \$332,624 . . . . . 3.40%

Income Tax Calculation

Taxable Income (before interest deduction) . . . . \$13,982.17

Deduct interest on \$279,000 plus  
\$23,000 @ 2% . . . . . 6,040.00

Taxable Income . . . . . \$7,942.17

Colorado Income Tax @5% . . . 397.11

Federal Income Tax @ 30% . . 2,263.52

Line No. 6

Revenues and Expenses

Revenues from Line No. 6 . . . . .	\$240.00
(Exchange Revenue, five customers)	
Toll Revenue . . . . .	<u>11.50</u>

Gross Annual Revenue . . . . . \$251.50

Expenses on Line No. 6 (estimated):

Maintenance, 2.5% of Cost of Line	\$575.00
Depreciation, 3.5% . . . . .	805.00
Insurance, $\frac{1}{2}$ of 1% . . . . .	115.00
Property Tax @ 2% . . . . .	<u>460.00</u>

Annual Expense . . . . . \$1,955.00

Cost of Capital

\$332,624 Total Rate Base

Debt - \$302,000 90.79%

Equity - \$30,624 9.21%

	<u>% of Capital</u>		<u>Rate</u>		<u>Composite</u>
Debt	90.79	x	2%	-	1.81
Equity	<u>9.21</u>	x	17.3%	-	<u>1.59</u>
	100.00%				3.40%

During the course of the hearing, witnesses for the Company testified that they were willing to make certain changes in the proposed Colorado P. U. C. Tariff No. 2, as follows:

Add, Move and Change Charge - \$4.00

On Sheet No. 1, also add Air Line Mileage under the paragraph "Mileage Service."

On Sheet No. 5, under "Interest and Penalty" re-word to state Interest Penalty at 5%. (Eliminate 5% per month).

On Sheet No. 7, under "Billing Period," specify due date as 25th of the month.

On Sheet No. 1, Change Charge for Colored Telephones, from 25¢ per month, to a flat charge of \$2.50.

Sheet No. 5, Amount of Deposit.  
Company should pay interest at 5% on deposit.

It is the opinion of the Commission that these charges are in the public interest, and should be approved. We shall order that Colorado P.U.C. Tariff No. 2 of the Company be modified in accordance with these proposed changes.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is made a part of these Findings by reference.

That the Nucla-Naturita Telephone Company has rendered telephone service as a public utility, to the Colorado Cooperative Company, and to other private customers along and in the vicinity of Line No. 6 between Nucla and Ute, Colorado, for a period of better than thirty-five years.

That the Colorado Cooperative Company and other private customers require telephonic communication for the operations of their own businesses, and for the efficient and necessary operation

of the ditch of the Colorado Cooperative Company, which is vital to the Town of Nucla as a source of water supply, and to all farmers in the area who constitute the keystone of the community's economy.

That the construction of a new Line No. 6, as an integrated part of the telephone system of Nucla, may be accomplished for not more than \$23,000.

That in considering the public convenience of said line, and the revenues to be derived by the Nucla-Naturita Telephone Company by virtue of the rates which this Commission shall authorize hereinafter, said construction will not impair the financial integrity of the Company, will not reduce the rate of return of the Company to a confiscatory level, and it is a reasonable extension, considering all of the facts and circumstances of this case.

That said construction and integration of said Line No. 6, being essentially and primarily to serve the ditch which is the core of the economy of the Town of Nucla and its inhabitants who are the other principal customers of the Telephone Company, will not discriminate against said other customers of the Company.

That from all of the evidence we find that the ownership of Line No. 6 is with the Nucla-Naturita Telephone Company. That the burden of proof to justify an abandonment thereof is upon the Nucla-Naturita Telephone Company, and that said Telephone Company has wholly failed to adduce any proof to justify such an abandonment, and that therefore the proposed abandonment should be denied.

That the rate base of revenue and expenses and cost of capital are as set forth in the Statement above.

That the rates, as proposed in Colorado P.U.C. Tariff of Nucla-Naturita Telephone Company, as amended, will provide revenues that will result in a rate of return of 3.4% on invested capital; that said rate of return provides a return on common equity of 17.3%, and that said rates will provide revenues that are just, reasonable, and non-discriminatory.

That the changes and amendment proposed by witnesses for the Company, as hereinabove set forth in the Statement, are just and reasonable, and in the public interest, and should be authorized, and that Colorado P.U.C Tariff No. 2, of Nucla-Naturita Telephone Company, should be modified to conform with said amendments.

That Colorado P.U.C. Tariff No. 2, of Nucla-Naturita Telephone Company, as amended, should be approved, and the Company should be permitted to file said tariff, as amended, as its rates, rules and regulations for telephone service.

O R D E R

THE COMMISSION ORDERS:

That Nucla-Naturita Telephone Company be, and it hereby is, ordered to either construct the necessary facilities, between Ute, Colorado, and Nucla, Colorado, to integrate its present Line No. 6 into the dial conversion system serving the Town of Nucla, Colorado, or to continue rendering complete and adequate service to the public integrated with the Nucla dial system from and by means of said existing line.

That the rates, rules and regulations of the Company, as amended in the Findings and the Statement above and testimony of Company witnesses, be, and the same are hereby, found to be just, reasonable, and non-discriminatory, and they are hereby approved, and the Nucla-Naturita Telephone Company is hereby authorized and ordered to file its Colorado P.U.C. Tariff No. 2, as amended, as the rates, rules and regulations for telephone service to the public, on not less than one day's notice to this Commission and the public, after the effective date of the order herein.

This Order shall become effective on the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Robert C. Horton*  
*Henry J. Adams*  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of January, 1960.  
ea

original

(Decision No. 53800)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
BERNICE C. LAMONT, WIDOW OF HARRY D. )	
LAMONT, DECEASED, 725 MEADE STREET, )	
DENVER, COLORADO, FOR AUTHORITY TO )	APPLICATION NO. 17596-PP-Transfer
TRANSFER PERMIT NO. B-4595 TO )	
WILLIAM A. SEIWALD, 4315 UTICA )	
STREET, DENVER, COLORADO. )	
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January 28, 1960  
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Appearances: Walter A. Ballou, Esq.,  
Denver, Colorado, for  
Transferor & Transferee;  
Bruce Ownbey, Esq., Denver,  
Colorado, for News & Film  
Service;  
John R. Barry, Esq., Denver,  
Colorado, for Denver-Salt  
Lake-Pacific Stages, Inc.,  
Denver-Colorado Springs-  
Pueblo Motor Way, Inc.,  
Continental Bus System,  
Inc.

S T A T E M E N T

By the Commission:

Bernice C. Lamont, Widow of Harry D. Lamont, Deceased,  
Denver, Colorado, is the owner and operator of Permit No. B-4595,  
authorizing:

transportation of the Sunday edition only  
of the Rocky Mountain News over the follow-  
ing routes: Denver to Conifer, Shaffers  
Crossing, Bailey, Shawnee, Grant, Jeffer-  
son, Fairplay, Northrop, Centerville,  
Salida, Poncha Springs on Highways 285 and  
291; Buena Vista and Leadville on Highway  
24; Climax, Kokomo and Wheeler on Highway  
91; Frisco, Dillon, Silver Plume and  
Georgetown on Highway 6;

transportation of the daily edition of the  
Rocky Mountain News to points now authorized  
to be served, and both daily and Sunday edi-  
tions to Empire, Colorado;

transportation of the daily Rocky Mountain News to the following points and points intermediate thereto: Denver to Minturn via Highways Nos. 6 and 24, including service to Empire; thence via Highway No. 24 to Leadville; thence returning to Denver via Highways Nos. 6 and 91;

transportation of the daily and Sunday Rocky Mountain News from Denver and Minturn, Colorado, to Grand Junction, Colorado, and points intermediate between Minturn and Grand Junction via Highways 6 and 24.

By the instant application, said permit-holder seeks authority to transfer said Permit No. B-4595 to William A. Seiwald, Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, January 25, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

It appeared from the testimony in support of the application that the holder of the permit is now deceased; that said permit belongs to the Estate; that arrangements have been made for payment to the Estate for purchase of the equipment used by the deceased in the operation of the permit, but that there is no consideration for the permit itself; that the transferee is well qualified and holds other authorities from the Commission.

There was no objection to the transfer on the part of the protestants.

The operating experience and financial responsibility of transferee were established to the satisfaction of the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.



O R D E R

THE COMMISSION ORDERS:

That Bernice C. Lamont, Widow of Harry D. Lamont, Deceased, Denver, Colorado, should be, and she hereby is, authorized to transfer all her right, title, and interest in and to Permit No. B-4595 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to William A. Seiwald, Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

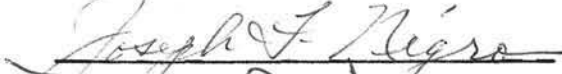


That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The right of transferee to operate under this Order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to the time of transfer of said permit.

This Order is made a part of the permit authorized to be transferred.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of January, 1960.  
mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF WILLIAM A. SEIWALD, 4315 UTICA STREET, DENVER, COLORADO, FOR AUTH- ORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-4595.	}	<u>APPLICATION NO. 17597-PP-Extension</u>
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January 29, 1960  
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Appearances: Walter A. Ballou, Esq.,  
Denver, Colorado, for  
Applicant;  
Bruce Ownbey, Esq., Denver,  
Colorado, for News & Film  
Service;  
John R. Barry, Esq., Denver,  
Colorado, for Denver-Salt  
Lake-Pacific States, Inc.,  
Denver-Colorado Springs-  
Pueblo Motor Way, Inc.,  
Continental Bus System,  
Inc.

S T A T E M E N T

By the Commission:

William A. Seiwald, Denver, Colorado, is the owner and  
operator of Permit No. B-4595, authorizing:

transportation of the Sunday edition only  
of the Rocky Mountain News over the follow-  
ing routes: Denver to Conifer, Shaffers  
Crossing, Bailey, Shawnee, Grant, Jeffer-  
son, Fairplay, Northrop, Centerville,  
Salida, Poncha Springs on Highways 285 and  
291; Buena Vista and Leadville on Highway  
24; Climax, Kokomo and Wheeler on Highway  
91; Frisco, Dillon, Silver Plume and  
Georgetown on Highway 6;

transportation of the daily edition of the  
Rocky Mountain News to points now authorized  
to be served, and both daily and Sunday edi-  
tions to Empire, Colorado;

transportation of the daily Rocky Mountain  
News to the following points and points in-  
termediate thereto: Denver to Minturn via  
Highways Nos. 6 and 24, including service to

Empire; thence via Highway No. 24 to Leadville; thence returning to Denver via Highways Nos. 6 and 91;

transportation of the daily and Sunday Rocky Mountain News from Denver and Minturn, Colorado, to Grand Junction, Colorado, and points intermediate between Minturn and Grand Junction via Highways 6 and 24.

By the instant application, said permit-holder seeks authority to extend operations under said Permit No. B-4595 by striking therefrom the restriction that service be performed for Rocky Mountain News, only, in transportation of newspapers; and for authority to operate daily, rather than Sunday, only.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, January 25, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

During the course of the hearing, a motion was made to amend the application to restrict the authority, if granted, to service only to the Rocky Mountain News and the Denver Post, and there being no objection to said motion, the same is granted.

Mr. Woodrow testified in effect that he has been working with the Rocky Mountain News for approximately 23 years and as country circulation manager for 13 years; that he is well acquainted with the needs of a newspaper for making deliveries as are sought to be made under the authority, if extended; that the time element is important to the newspaper in that the shortest possible time from printing the paper to delivery to the reader is much to be desired; that the presses are sometimes late and a private carrier will haul to accommodate such and similar situations; that private carrier service is preferable to common carrier service for making delivery of newspapers to the various outlying communities and towns as such service is "tailored to needs;" that the Denver Post would have the same

advantages that the Rocky Mountain News would have, if the authority is extended as requested.

The protestant, News & Film Service, in opposition to the granting of the extension presented virtually no evidence in support of its opposition and failed to disclose where there would be any loss of business to it by granting the extension.

The other protestants adduced some evidence in opposition to the granting of the extension. However, the evidence was general, vague and uncertain as to how the granting of the extension sought would impair the efficiency of any common carrier or carriers operating in the area.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the facts set out in the above and foregoing Statement supporting the Order which follows are hereby made a part of these Findings by reference.

That the authority sought should be granted, as set forth in the following Order.

The Commission upon consideration of all the evidence is not of the opinion that the proposed extended operations requested will impair the efficient public service of any authorized motor vehicle common carrier serving the same territory over the same general highway route or routes.

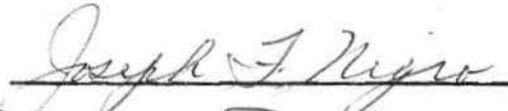
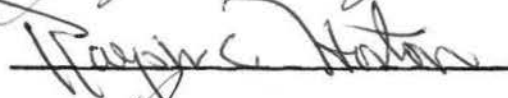

#### O R D E R

##### THE COMMISSION ORDERS:

That Permit No. B-4595 be, and the same is hereby, extended to authorize operations thereunder to include the transportation of newspapers for only the Rocky Mountain News and the Denver Post, such operations to include daily operations.

This Order is made a part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of January, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
STEPHEN A. WALKINSHAW, 725 )  
SOUTH SECOND AVENUE, BRIGHTON, )  
COLORADO. )  
----- )

PUC NO. 4172-I  
PERMIT NO. M-15836  
CASE NO. 92329-INS.

-----  
January 28, 1960  
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S T A T E M E N T

By the Commission:

On January 20, 1960, the Commission entered its Decision in the above-styled matter, cancelling PUC No. 4172-I and Permit No. M-15836 for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made with the Commission by said Respondent, without lapse,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That PUC No. 4172-I and Permit No. M-15836 be, and they hereby are, reinstated, as of January 20, 1960, revocation order entered by the Commission on said date in Case No. 92329-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Francis J. Barton*  
*Henry E. Salinger*  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of January, 1960.



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CITY TAXI, INC., A CORPORATION, 144 )  
EAST EIGHTH STREET, DURANGO, COLO- )  
RADO, FOR AN ORDER AUTHORIZING AN )  
INCREASE IN RATES. )  
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APPLICATION NO. 17348

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January 28, 1960  
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Appearances: Irvin L. Mason, Esq., Durango,  
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

This is an application by City Taxi, Inc., a Colorado corporation, of Durango, Colorado, for approval of rates, rules, and regulations as follows:

Rule No. 1

FARES:

The minimum fare for adults, as passengers transported from point to point, within the City of Durango, Colorado, within Zone 1, said zone consisting of that portion of the City of Durango, Colorado, bounded on the south by the South City Limits Line; on the west by West Third Avenue; on the north by 28th Street, and on the east by the East City Limits boundary and the Animas River, shall be as follows: (All persons over twelve (12) years of age are herein defined as adults):

1 passenger	50 cents
2 passengers	70 cents
3 passengers	\$1.00
4 passengers	\$1.20
5 passengers	\$1.50.

The rates for Zone 2, which is defined as the rest of the City of Durango, within the city boundary lines and not within Zone 1 hereinabove described, shall be as follows:

1 passenger	60 cents
2 passengers	90 cents
3 passengers	\$1.20
4 passengers	1.50
5 passengers	1.90

#### Rule No. 2

##### CHILDREN'S FARES:

Children under six (6) years of age in lap will be carried free. Children six (6) to twelve (12) years of age will be charged one half (1/2) of fares for adults, provided, however, that a child between the age of six (6) and twelve (12) years of age will be charged full fare, if not accompanied by one or more adults. Children twelve (12) years of age or over will be charged full fare.

#### Rule No. 3

##### AIRPORT FARES:

Fares for adult passengers from the Strater Hotel in Durango, Colorado, to the La Plata County Airport (a distance of 16 miles) shall be \$2.00 per passenger per trip between said points on scheduled runs, and the fares for children on these said trips shall be in compliance with Rule No. 2 hereinabove.

#### Rule No. 4

##### FREIGHT RATES:

Freight rates from the City of Durango, Colorado, to La Plata County Airport shall be at the rate of 85 cents per package up to one hundred (100) pounds, plus one cent per pound in excess of one hundred pounds, each package to be charged separately. Luggage will be carried free if it belongs to a fare-paying passenger; otherwise charged at the rate for other freight.

#### Rule No. 5

##### MAIL RATES:

Mail carried from the City of Durango, Colorado, to La Plata County Airport shall be charged at the standard rate of \$4.20 per one-way trip, no matter what the weight thereof.

#### Rule No. 6

##### PACKAGE DELIVERIES:

Parcels or packages delivered within the City boundary of the City of Durango, Colorado,

shall be charged for at the same rate as passengers, all parcels to be delivered at a single address to be considered as one passenger.

Rule No. 7

**AIR EXPRESS RATES:**

Air Express parcels to or from the La Plata County Airport to be charged for at the rate of 40 cents per package for the first package, plus 25 cents per package for each additional package, or 50 cents per hundred pounds, whichever is the greater.

Any Air Express to be taken from or to the La Plata County Airport, wherein it is necessary to send a car for no other reason than to haul express packages, a round-trip charge of \$4.00 will be made for the special trip.

Rule No. 8

**ROUND TRIP FARES:**

Round trip fares shall only apply within the Town of Durango, Colorado, and shall be at the rate of one and one-half to the regular one-way fare for the said passenger, or passengers.

Rule No. 9

**OTHER TRIPS:**

All other trips made outside of the City Limits of the City of Durango, Colorado, and not a trip as mentioned hereinabove, shall be made at the rate of 25 cents per mile one way, and 12-1/2 cents per mile on the return trip, if it is a round trip.

Rule No. 10

**OBJECTIONABLE PERSONS:**

The right is hereby reserved to refuse transportation to persons under the influence of intoxicating liquor or drugs, with refund of fare.

Rule No. 11

**BAGGAGE:**

Baggage consisting of suitcases or travelling bags of the type ordinarily carried by hand, and bundles and packages, will be carried free of charge, up to one hundred pounds, when with fare-paying passenger. A charge of 10 cents per mile, one way, for each additional one

hundred pounds or fractional part thereof will be made for any of said items weighing more than one hundred pounds.

Rule No. 12

ANIMALS:

The carrier reserves the right to refuse to carry dogs or other pets of passengers, except that when a blind person is accompanied by a Seeing-Eye Dog, both the blind person and the dog will be carried, provided the dog be securely muzzled, and there shall be no additional charge for the dog.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 16, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant is the sole taxicab company operating in Durango, and provides taxicab service to the surrounding area. Evidence secured from the company regarding its operations during the Year 1959 discloses Gross Income of \$31,341.60, and Expenses, including Depreciation and Taxes, of \$33,482.72, or a loss of \$2,141.12.

From all the evidence, it is apparent that the rates sought to be charged by the Applicant are reasonable.

It is further apparent that there were no unusual expenditures on the part of applicant which might, in any wise, redound to the disadvantage of the public.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is made a part of these Findings, by reference.

That the proposed rates, rules and regulations of City Taxi, Inc., Durango, Colorado, are just, reasonable, and non-discriminatory, and should be authorized and approved.

O R D E R

THE COMMISSION ORDERS:

That the proposed rates, rules and regulations of City Taxi, Inc., Durango, Colorado, as set forth in the Statement preceding, said rates being made a part hereof, by reference, are just, reasonable, and non-discriminatory, and are hereby authorized and approved.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Harkness  
Henry G. Harkness  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of January, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE FAILURE OF )  
VARIOUS CORPORATION, PARTNERSHIPS, )  
AND/OR PERSONS, TO COMPLETE APPLI- )  
CATIONS FOR PERMITS TO OPERATE AS )  
COMMERCIAL (PRIVATE) CARRIERS BY )  
MOTOR VEHICLE IN THE STATE OF )  
COLORADO. )  
-----)

-----  
February 1, 1960  
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S T A T E M E N T

By the Commission:

The records of the Commission show that the corporations, partnerships, and/or persons listed in the Order part of this decision have paid to the Commission a filing fee for a Commercial (private) Carrier Permit to operate over the highways of the State of Colorado.

The records of the Commission further show that said applicants have failed to complete their applications in one or more of the following particulars as required by the Rules and Regulations Governing Commercial Carriers by Motor Vehicle in Colorado:

- (a) Failure to file completed application.
- (b) Failure to file request for cab cards.
- (c) Failure to file, or have filed, certificate of insurance.

The records of the Commission further show that all of the applicants listed in the Order part of this decision have been duly notified by the Commission of their failure to comply with one or more of the above particulars.

F I N D I N G S

THE COMMISSION FINDS:

That the Statement should be made a part of these Findings.



That all of said proceedings heretofore instituted by the corporations, partnerships, and/or persons listed in the Order part of this decision should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That each of the application proceedings heretofore commenced by the following corporations, partnerships, and/or persons before this Commission to obtain authority to operate as a Commercial (private) carrier by motor vehicle over the highways of the State of Colorado, be, and the same hereby are, dismissed:

James E. Anderson, dba A & S Sales Co.	1406 Prairie Rd., Colorado Springs
Robert M. Ackerson	Masonville, Colorado
Acme Mattress Co.	Box 242, Amarillo, Texas
Enrique Aguilar	513 W. 5th St., La Junta
Gabriel Alainz	311 E. Northern, Pueblo
Vinton Lowell Albers	903 W. 9th St., Goodland, Kans.
William G. Aragon	2206 W. 12th St., Pueblo
C.A.Banner & Kenneth Eugene Bothwell	Rt 1 Box 391, Canon City
Bargain Center	La Salle
L. Z. Bates	South Star Route, Portales, New Mexico
Paul E. Becker	824 Bonfoy St., Colorado Springs
Becker's Bakery	2554 Champa, Denver 5
J. D. Bell	Trailerville N.E.8th, Amarillo, Texas
A. H. Bennett Co.	2439 Walnut, Denver 5
Densol A. Bills	988 N. Clinton, Stephenville, Texas
Tom Briley, dba Blanding Mud Co.	Price, Utah
Howard Bullard	438 S. 6th, Yukon, Oklahoma
Bunnell Garage	154 E. Main, Price, Utah
BuddyCaldwell	1659 Virginia St., Mobile, Ala.
C. V. Cogburn or C. V. Coburn	Walsh, Colorado
Eugene Cordova	380 Greenwood Blvd., Denver 29
John R. Corral	1260 Berwind St., Pueblo
John Wm. Cunningham	3541 N.E.8th, Amarillo, Texas
Bud Curry	702 N.Ave. H (RFD 3), Lubbock Texas
D & C Trading Post	203 S. Santa Fe, Pueblo
Howard Daniels	421 E. 2nd, Florence
Doris Davis	1305 Rockwood, Colorado Springs
I. W. Davis	101 Cummins St., Bowie, Texas
Clarence W. Day	505 N. 11th St., Rocky Ford
Donald D. Day	505 N. 11th St., Rocky Ford
E. L. Emerson	Box 312, Portales, New Mexico
F & C Trucking Co.	806 N. Kansas, El Paso, Texas
Evely L Fairhurst	3914½ Walnut St., Bell, Calif.
Rudell B. Fisher	1265 Inca, Denver 4
Lyle Francis	Moab, Utah
J. A. Francisco	Rt 2, Mancos
Roman Garrasco	1134 Waverly, San Antonio, Tex.
Orville Garrett	808 N Sandusky, Tulsa, Okla.
Morgan N. Gilmore & Alvin Charlie Champion RRL, c/o Ed Puschel, Alamosa	

Gotham Chalkboard & Trim Co., Inc.  
Grandview Trailer Mart  
Torbio Gutierrez  
George Cleve Harrington  
Clyde Leon Harris  
Hereford Fruit Market  
Joe Hibarger  
F. E. Hoggatt  
House Trailer Towing Service Rental  
Lawrence Huffman  
W. C. Hurst

Albert Iuppa & Son Coal Co.  
James Ivary  
Imus T. Johnson  
Richard E. Jones  
K & W Transportation  
Kit Mfg. Co. Inc.

Knight Distributing Co.  
Kolbezen Wrecking Contractors  
Thomas Jessie Like

Byron R. Little  
Douglas Little

Little Traders  
Jose R. Lucero  
Rosenaldo Lucero  
Lester Lynch  
Edward W. Marrs, Jr.  
Roswell P. McComb  
Floyd McCulloh  
McDaniel Plumbing & Heating  
H. W. McElreath  
Jack Medlin  
Clifford Merrick Co.  
Fred E. Mestas  
James S. Meyer  
H. L. Miller  
A. L. Mock  
Filberto Montoya  
Joe E. Montoya & Hipolito D Montoya  
King Leon Moore  
Moore Produce & Grain  
Moulton Mfg. Co.  
George Moyes, Jr.  
Mulberry Lumber Co.  
Muldner Livestock Transportation Inc.  
Multi Plastics  
Stanton Mundy  
James W. Neddham  
Allen B. Noel  
Harry C. Osker  
Alex Padilla  
Panhandle Auto Wrecking  
John H. Patrick  
Louis Peltier  
Henry G. Pettiger  
M. O. Phillips  
Willard J. Pippinger  
C. D. Pitman  
Plainview Locker & Market  
Earl H. Quiller dba Quiller's  
RCR Mfg. Co.

P.O.Box 127, Marked Tree, Ark.  
Rapid City, South Dakota  
1021 29th St., Denver 5  
1532 S.W.7th, Okla.City, Okla.  
417 Sioux, Pierre, So. Dakota  
Rt 4, Hereford, Texas  
204 E. Pearl, Lamar  
P.O.Box 301, Silt  
7341 Newton, Westminster  
Limon  
600 27th St. North, Fargo,  
North Dakota  
718 Pine, Trinidad  
2015 Race, Denver 5  
1754 Larimer, Denver 2  
915 Vine, Canon City  
401 N.E.27th, Okla.City, Okla.  
Airport Ave. & Warehouse Rd.,  
Caldwell, Idaho  
1829 Broadway, Boulder  
1210 Berwind, Pueblo  
1103 S.W.10th St., Mineral  
Wells, Texas  
Acequia, Idaho  
1525 S. Nevada Ave., Colorado  
Springs  
Box 455, Farmington, New Mex.  
1630 El Paso, Pueblo  
1404 Roselawn Rd., Pueblo  
2927 Mascot, Wichita, Kansas  
USAF Academy, Academy, Colorado  
243 Dozier, Canon City  
Chester, So. Carolina  
2417 Elizabeth, Pueblo  
1406 18th, Wichita Falls, Tex.  
Rt 1, Decatur, Alabama  
Portales, New Mexico  
1706 Ash, Pueblo  
7820 Yates, Westminster  
1228 S.W.2nd, Okla. City, Okla.  
Rt 1, Fayette, Alabama  
Rt 1 Box 206, Pueblo  
1714 San Juan, Pueblo  
831 E. Colo. Ave., Colo. Springs  
Rt 1 Box 290, Weatherford, Tex.  
840 S. Main, Heber, Utah  
209 Mathews, Ft. Collins  
Mulberry, Arkansas  
Rt 2 Box 295, Glendale, Arizona  
2411 Weaver, Ft. Worth, Tex  
Rt 6, Springfield, Ohio  
Rt 1, Canyon, Texas  
Garden City, Kans.  
P.O.Box 142, Evans  
Fraser  
Rt 2 Box 128, Scottsbluff, Nebr.  
910 S. 4th St., Canon City  
1116 S. Elizabeth, Denver 10  
Box 363, Olathe  
Box 464, Alto, Texas  
2625 Espinosa, Trinidad  
1121 Woodland Ave., Atlanta, Ga.  
7011 E. 5th, Plainview, Tex.  
Central City  
793 N.W.4th St., Grants Pass, Ore.

Foster K. Reed  
Rego Sales Co.  
B. C. Rogers & Sons Inc.  
Fred Rojo  
Wm. Oster, dba Rosco Windows  
Deluvino O. Salazar  
John D. Sallie  
W. W. Salvage  
Gorgonio Sanchez  
Sandia Tractor & Implement Co.

H. A. Sargeant  
Scholz Homes Inc.  
W. A. Sherley

Dorse Smiddy  
Charlie Aubrey Smith  
Snuffy Smith Motors  
Southern Colo. Livestock Comm. Co.  
Walter C. Stiggins  
Donald L. Stroup  
D. K. Swanson Excavation  
S. E. Thompson  
J. C. Turpin  
United Concrete Pipe Corp.  
Wade Tire Co.  
Melvin Weibley  
John L. Weigand  
Charlie A. Wilson  
Don Winkelman  
Eloise A. Wood  
Dyer W. Wooley  
Howard F. Woolsey  
George J. Youngblood  
Z.C.M.I. Wholesale Distr. Co.

Eugene & Julia Zane  
A & W Produce  
Joe N. Argello  
C J & D C Atkins  
Davis Supply Co.  
Elkhart Weld & Boiler Works  
Friendly Trailer Sales  
David P. Inverarity  
N. Johnson  
Bernie Joul  
William J. Lewis  
Homer McComas  
Earl M. McKung  
Billy Gene Melton  
U.S. Metal & Salvage Industries  
Lawrence & Charles Van Warmer  
Donald Williams

Box 484, Mancos  
1315 1st Ave., Kearney, Nebr.  
Box 398, Morton, Miss.  
607 N. 8th, Lamar  
2306 E. Platte, Colo. Springs  
P.O. Box 263, Taos, New Mex.  
202 8th St., Fowler  
Rt 2, Rocky Ford  
Box 41, Chama, Colorado  
1601 2nd N.W., Albuquerque,  
New Mexico  
P.O. Box 1562, Grand Junction  
1130 7th Ave., Greeley  
713 S.W. 9th St., Mineral Wells,  
Texas  
235 Cherokee, Denver 23  
Rt 1, McCloud, Okla.  
2317 S. Main, Houston, Texas  
1543 Cooper Pl., Pueblo  
Rt 1 Delta  
7435 E. Arizona Pl., Denver 26  
Rt 1 Box 219A, Colo. Springs  
9545 W. 49th, Arvada  
4114 Tarrant Rd., Ft. Worth, Tex.  
Box 218, Pleasant Grove, Utah  
P. O. Box 53, Alamosa  
Rt 1, Penrose  
Box 1076, Greeley  
353 E. Las Vegas, Colo. Springs  
217 Starr, Pratt, Kans.  
Rt 1 Galley Rd., Colo. Springs  
7521 Elliott, Westminster  
Box 6, Fountain  
405 E. 22nd, Bryan, Texas  
1665 Bennett St., Salt Lake  
City, Utah  
Rt 4 Box 308, Pueblo  
304 W. 10th St., Cheyenne, Wyo.  
Rt 1 Box 208, Trinidad,  
Tea, South Dakota  
Rt 1, Columbus, Nebraska  
Elhart, Indiana  
P.O. Box 1, Pascagoula, Miss.  
5941 Brighton Blvd., Adams City  
2121 E. Seminole, Tulsa, Okla.  
Sioux City, Iowa  
Box 1661, Denver 30  
Odessa, Texas  
909 S. Ames, Denver 26  
3533 Gray Dr., Mesquite, Tex.  
2521 W. Dallas, Wichita, Kans.  
2002 Shelton Dr., Colo. Springs  
324 W. 14th Ave., Denver 4

This Order shall become effective ten days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Regis*  
*Robert C. [illegible]*  
*[illegible]*  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of February, 1960.  
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